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RD. 106653

LECTIONS ADMINISTRATION
(Campaign Practices)

Ordinance No. 106653

AN ORDINANCE relating to and providing for the regulation and reporting of election campaign contributions and expenditures; creating an Office of Elections Administration, establishing the position of Administrator of such office, prescribing the duties and powers of such Administrator, defining offenses and prescribing penalties and repealing Ordinance 100241.

COMPTROLLER
FILE NUMBER _____

ENGROSSED
Council Bill No. 98181

INTRODUCED: FEB 22 1977	BY EXECUTIVE REQUEST
REFERRED: FEB 22 1977	TO: HUMAN RES. & OPERATIONS
REFERRED:	
REFERRED:	
REPORTED: AUG 1 1977	SECOND READING: AUG 1 1977
THIRD READING: AUG 1 1977	SIGNED: AUG 1 1977
PRESENTED TO MAYOR: AUG 2 1977	APPROVED: AUG 12 1977
RETD. TO CITY CLERK: AUG 12 1977	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

#40

ORD. 106653

ELECTIONS ADMINISTRATION

(FAIR Campaign Practices)

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AMENDMENT....RE TO....ELECTIONS ADMINISTRATION ORD. 106653

- CF-285577 --DESIGNATION OF THE ELECTION ADMINISTRATOR POSITION AS EXEMPT FROM CLASSIFIED CIVIL SERVICE.
- ORD 106836 --REVISING & REENACTING PROVISIONS OF ORD 100241 TO BE & REMAIN IN EFFECT JAN. 11, 1978 AND TEMPORARILY SUSPENDING THE OPERATION & EFFECT OF ORD. 106653.
- CF-286615 --APTMT OF DONALD J HOROWITZ AS MEMBER & CHAIRMAN OF BRD OF ETHICS/FAIR CAMPAIGN PRACTICES COM'N FOR 3YR TERM; EXP 12-31-80.
- ORD 107772 --PARTIAL PUBLIC FINANCING OF ELECTION EXPENSES --AMENDS SEC'S 2, 16 & 21; AND ADDS NEW SECTIONS 13-A THRU 13-M.
- Ord 107978 - Amends Fair Campaign Practices Ord. to limit individua' political contributions to groups.
- Ord 108130 -Amends Sec 13-J of Fair Campaign Practices Ord (106653) = to provide expenditure authrty from Election Campaign Account to Elections ~~XXXX~~ Administrator.
- Ord. 108400 --Adds New Section (14-A), & Amends Section 21. (Also amends Bldg. Code Sec 4907).
- Ord. 108447 --Repeals Ordinance 83771 re advertising matter in City elections, which has been superseded by Ordinance 106653.
- C.F. 289671 --RULES & REGULATIONS --Certified copies of the ..., as adopted by the Fair Campaign Practices Commission; pursuant to Elec Admin Ord. & Admin Procedures Ord. 102228.
- C.F. 290471 --DOCUMENTS RE DELIBERATIONS --on Campaign Financing by Seattle City Council.
- Ord. 109886 --AMENDS Ord. 106653, Section 21 (b), to clarify & redefine the nature of penalties for violation of the Fair Campaign Practice Ordinance.
- Ord. 110025 --ELECTION CAMPAIGN ACCOUNT --Transfers a general fund appropriation from Dept. 460, the Finance General Account, to Dept. 280, the Office of Elec. Admin., for the purpose of establishing an ...
- C.F.290917 --INITIATIVE MEASURE NO. 26 --to limit the amount of contributions which may be made in support of, or opposition to ballot initiatives, amending Ord. 106653. (Includes correspondence re thereto with sponsors & with King Co. Records & Elections Dept.)
- C.F. 292027 --Documents re to the City Council's review of the City's Campaign Financing provisions of Ord. 106653.
- 110909 --Repeals portion of Sec 21 (SMC 2.04.500, Sec "C"); Amends numerous sections (SMC 2.04.350 thru 2.04.370), reenacting same; & SMC 2.04.480 to reenact campaign contributions limitations.
- 111223 --Amends .1. to change reporting times & contents of reports, raise the exemptions for reporting individual contributions to \$25.00, require retention of certain records, auth interim investment of campaign funds, & establish a civil assessment for late filing, etc.; REPEALS SUBSECTION 5B.

Amendment update -current as of March 1984.

ORDINANCE 106653

OFFICE OF ELECTIONS ADMINISTRATION

ORDINANCE 106653

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2
3 AN ORDINANCE relating to and providing for the regulation
4 and reporting of election campaign contributions and
5 expenditures; creating an Office of Elections Administra-
6 tion, establishing the position of Administrator of
7 such office, prescribing the duties and powers of such
8 Administrator, defining offenses and prescribing penalties
9 and repealing Ordinance 100241.

10 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

11 Section 1. STATEMENT OF COUNCIL INTENT. (a) It is
12 hereby declared to be the public policy of The City of
13 Seattle:

14 (1) That political campaign contributions and
15 expenditures be fully disclosed to the public and that
16 secrecy in the sources and application of such contributions
17 be avoided;

18 (2) That the people have the right to expect from
19 their elected representatives the utmost of integrity,
20 honesty, and fairness in their dealings;

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

25 (4) That our representative form of government is
26 founded on a belief that those entrusted with the
27 offices of government have nothing to fear from full
28 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;

1 (6) That public confidence in municipal government
2 can best be sustained by assuring the people of the
3 impartiality and honesty of the officials in all public
4 transactions and decisions;

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

9 (8) That small contributions by individual contribu-
10 tors are to be encouraged, and that not requiring the
11 reporting of small contributions may tend to encourage
12 such contributions;

13 (9) That the public's right to know of the financing
14 of political campaigns far outweighs any right that
15 this matter remain secret and private; and

16 (10) That, mindful of the right of individuals to
17 privacy and of the desirability of the efficient administra-
18 tion of government, full access to information concerning
19 the conduct of municipal government must be assured as
20 a fundamental and necessary precondition to the sound
21 governance of a free society.

22 (b) The provisions of this ordinance shall be liberally
23 construed to promote complete disclosure of all information
24 respecting the financing of political campaigns so as to
25 assure continuing public confidence of fairness of elections,
26 and so as to assure that the public interest will be fully
27 protected. In promoting such complete disclosure, however,
28 this ordinance shall be enforced so as to ensure that the
information disclosed will not be misused for arbitrary and
capricious purposes and to ensure that all persons reporting

1 under this ordinance will be protected from harassment and
2 unfounded allegations based on information they have freely
3 disclosed.

4 (c) It is the intent of the Council that the Fair Campaign
5 Practices Commission and the Office of Election Administration
6 hereinafter created shall be separate and independent from each
7 other and both shall be free from political influence with
8 regard to the responsibilities given to them under this or
9 subsequent ordinances.

10 (d) Further, it is the intent of the Council that this
11 Ordinance be interpreted and applied consistent with the
12 de minimus maxim, that inadvertent minor violations of this
13 Ordinance may be corrected and cured without full hearing in
14 a manner consistent with the spirit and intent of this
15 Ordinance.

14 AMENDED - ORF

107772
107977

15 Section 2. DEFINITIONS. (a) "Administrative Code" means
16 the Administrative Code of The City of Seattle, Ordinance 102228
17 amended.

18 (b) "Administrator" means the Administrator of the Office
19 of Election Administration of The City of Seattle.

20 (c) "Agency" means all offices, boards, departments,
21 divisions, commissions and similar subdivisions of The City
22 of Seattle.

23 (d) "Ballot proposition" means any measure, question,
24 initiative, referendum, recall, or charter amendment submitted
25 to, or proposed for submission to the voters of the City.

26 (e) "Campaign depository" means a bank designated by a
27 candidate or political committee pursuant to Section 4 of
28 this ordinance.

(f) "Campaign treasurer" and "deputy campaign treasurer"
mean the individuals appointed by a candidate or political

1 under this ordinance will be protected from harassment and
2 unfounded allegations based on information they have freely
3 disclosed.

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8 regard to the responsibilities given to them under this or
9 subsequent ordinances.

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14 AMENDED - ORD.

107772
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16 the Administrative Code of The City of Seattle, Ordinance 102228
17 as amended.

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21 divisions, commissions and similar subdivisions of The City
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24 initiative, referendum, recall, or charter amendment submitted
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committee, pursuant to Section 4 of this ordinance, to perform the duties specified in this ordinance.

(g) "Candidate" means any individual who seeks election to public office in The City of Seattle, whether or not successfully. An individual shall be deemed to seek election when he or she first:

(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; or

(2) Announces publicly or files for office.

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

(i) "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.

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

(k) "Contribution" means a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services, for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality, the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses not in excess of Twenty-five Dollars (\$25.00) personally paid for

1 by a volunteer campaign worker. For the purposes of this
2 ordinance, the term "part time personal services" means
3 services in addition to regular full time employment or, in
4 the case of an unemployed person, services not in excess of
5 twenty hours per week, excluding weekends. For the purposes
6 of this ordinance, contributions other than money or its
7 equivalents shall be deemed to have a money value equivalent
8 to the fair market value of the contribution. Sums paid for
9 tickets to fund-raising events such as dinners and parties
10 are contributions; however, the amount of any such contribution
11 may be reduced for the purpose of complying with the reporting
12 requirements of this ordinance by the actual cost of consumables
13 furnished in connection with the purchase of such tickets,
14 and only the excess over actual cost of such consumables
15 shall be deemed a contribution.

16 (1) "Elected official" means any person elected at a
17 general or special election to any public office of The City of
18 Seattle and any person appointed to fill a vacancy in any
19 such office.

20 (m) "Election" includes any primary, general, or
21 special election for public office of The City of Seattle and any
22 election in which a ballot proposition is submitted to the
23 voters of the City; Provided, that an election in which the
24 qualifications for voting include requirements other than
25 those set forth in Article VI, Section 1 (Amendment 63) of
26 the Constitution of the State of Washington shall not be
27 considered an election for purposes of this ordinance.

28 (n) "Election campaign" means any campaign in support
of or in opposition to a candidate for election to public
office of The City of Seattle and any campaign in support
of, or in opposition to, a ballot proposition.

1 (o) "Expenditure" means a payment, contribution, sub-
2 scription, distribution, loan, advance, deposit, or gift of
3 money or anything of value, and includes a contract, promise,
4 or agreement, whether or not legally enforceable, to make an
5 expenditure. The term "expenditure" also includes a promise
6 to pay; and a payment or a transfer of anything of value in
7 exchange for goods, services, property, facilities, or
8 anything of value for the purpose of assisting, benefiting,
9 or honoring any public official or candidate, or assisting
10 in furthering or opposing any election campaign. The term
11 "expenditure" shall not include the partial or complete repayment
12 by a candidate or political committee of the principal of a
13 loan, the receipt of which loan has been properly reported, or
14 payment of service charges against a political committee's
15 campaign account.

15 (p) "Fair Campaign Practices Commission (FCPC)" means
16 the Fair Campaign Practices Commission established by Section 18
17 of this Ordinance.

17 (q) "Public Disclosure Commission (PDC)" means the
18 Public Disclosure Commission established by RCW 42.17.350.

19 (r) "Final report" means the report described as a
20 final report in Section 9 of this ordinance.

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

26 (t) "Political advertising" means any advertising displays,
27 newspaper ads, billboards, signs, brochures, articles, tabloids,
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1 flyers, letters, radio or television presentations, or other
2 means of mass communication, used for the purpose of appealing,
3 directly or indirectly, for votes or for financial or other
4 support in any election campaign.

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

10 (v) "Public office" means any elective office of The
11 City of Seattle.

12 As used in this ordinance, the singular shall take the
13 plural and vice versa, and any gender, any other, as the
14 context requires.

15 Section 3. OBLIGATION OF POLITICAL COMMITTEES TO FILE
16 STATEMENT OF ORGANIZATION. (a) Every political committee,
17 within ten days after its organization or within ten days
18 after the date when it first has the expectation of receiving
19 contributions or making expenditures in any election campaign,
20 whichever is earlier, shall file a statement of organization
21 with the City Comptroller.

22 (b) The statement of organization shall include but
23 not be limited to:

- 24 (1) The name and address of the committee;
- 25 (2) The names and addresses of all related or
26 affiliated committees or other persons, and the nature
27 of the relationship or affiliation;
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1 (3) The names, addresses, and titles of its
2 officers; or if it has no officers, the names, addresses,
3 and titles of its responsible leaders;

4 (4) The names and addresses of its campaign
5 treasurer and campaign depository;

6 (5) A statement whether the committee is a
7 continuing one;

8 (6) The name and office sought of each candidate
9 whom the committee is supporting or opposing;

10 (7) The ballot proposition concerned, if any, and
11 whether the committee is in favor of or opposed to such
12 proposition;

13 (8) What distribution of surplus funds will be
14 made in the event of dissolution;

15 (9) The hours during which the committee will
16 make available for public inspection its books of
17 account and all reports filed in accordance with Section
18 9 of this ordinance; and

19 (10) Such other information as the Administrator,
20 in keeping with the policies and purposes of this
21 ordinance, requires by rule adopted pursuant to the
22 Administrative Code.

23 (c) Any material change in information previously
24 submitted in a statement of organization shall be reported
25 to the City Comptroller within ten days of such change.

26 Section 4. CAMPAIGN TREASURER -- DEPOSITORY. (a) Each
27 candidate, at or before the time he or she announces publicly or
28 files for office, and each political committee, at or before
the time it files a statement of organization, shall designate
and file with the City Comptroller the names and addresses of:

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

3 (2) One bank doing business in this state to
4 serve as campaign depository.

5 (b) A candidate, political committee, or campaign
6 treasurer may appoint as many deputy campaign treasurers as
7 is considered necessary. The candidate or political committee
8 shall file the names and addresses of the deputy campaign
9 treasurers with the City Comptroller within ten days after
10 their appointment.

11 (c) (1) A candidate or political committee may at any
12 time remove a campaign treasurer or deputy campaign
13 treasurer or change a designated campaign depository.

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

20 (d) No campaign treasurer, deputy campaign treasurer,
21 or campaign depository shall act or perform any function as
22 such until its name and address are filed with the City
23 Comptroller.

24 Section 5. DEPOSIT OF CONTRIBUTIONS -- DESIGNATION OF
25 ACCOUNTS -- STATEMENT OF CAMPAIGN TREASURER REGARDING
26 CONTRIBUTIONS -- UNIDENTIFIED CONTRIBUTIONS. (a) All monetary
27 contributions received by a candidate, political committee,
28 campaign treasurer or deputy campaign treasurer shall be
deposited by the campaign treasurer or deputy campaign
treasurer in a campaign depository in an account designated,
"Campaign Fund of _____" (name of
candidate or political committee).

1 (b) All deposits of contributions made by a campaign
2 treasurer or deputy campaign treasurer shall be accompanied
3 by a statement containing the name of each person contributing
4 the funds so deposited and the amount contributed by each
5 person: Provided, that contributions not exceeding Ten
6 Dollars (\$10.00) from any one person may be deposited
7 without identifying the contributor. The statement shall be
8 in triplicate, upon a form prescribed by the Administrator.
9 One copy of such statement shall be retained by the campaign
10 depository for its records for at least three years, one
11 copy shall be filed by the campaign treasurer with the
12 City Comptroller, and one copy shall be retained by the campaign
13 treasurer for his records; Provided, that in the event a
14 deputy campaign treasurer makes deposits, the third copy
15 shall be forwarded by the deputy campaign treasurer to the
16 campaign treasurer to be retained by the campaign treasurer
17 for his records. Each statement shall be certified as
18 correct by the campaign treasurer or deputy campaign treasurer
19 making the deposit.

20 (c) Political committees that support or oppose more
21 than one candidate or ballot proposition, or exist for more
22 than one purpose, may maintain multiple separate bank accounts
23 within the same designated depository for such purposes;
24 Provided, that each such account shall bear the same name
25 followed by an appropriate designation which accurately
26 identifies its separate purpose; And provided further, that
27 transfers of funds that must be reported under Section
28 10(a)(4) of this ordinance may not be made from more than
one such account.

(d) Accumulated unidentified contributions, other than
those made by persons whose names must be maintained on a

1 separate and private list by a political committee's campaign
2 treasurer pursuant to Section 10(a)(2) of this ordinance,
3 that total in excess of one percent of the total accumulated
4 contributions received in the current calendar year or Three
5 Hundred Dollars (\$300), whichever is more, shall not be
6 deposited, used, or expended, but shall be returned to the
7 donor if his or her identity can be ascertained. If the donor's
8 identity cannot be ascertained, the contribution shall
9 escheat to the state, and shall be paid to the state treasurer
10 for deposit in the state general fund.

11 Section 6. REPORT OF CAMPAIGN TREASURER REGARDING
12 FUND-RAISING ACTIVITY -- PROHIBITION AGAINST ACCEPTANCE OF
13 PAYMENT AT FUND-RAISING ACTIVITY, WHICH PAYMENT RESULTS IN
14 PROFIT OF TEN DOLLARS (\$10.00) OR MORE, WITHOUT DISCLOSURE
15 OF IDENTIFYING INFORMATION. (a) A campaign treasurer or
16 deputy campaign treasurer may report funds derived from
17 fund-raising activity as such, in accordance with the provisions
18 of subsection (d) of this section, in lieu of reporting such
19 funds as contributions pursuant to Section 5 of this ordinance;
20 Provided, that

21 (1) The income resulting from the conduct of the
22 activity is derived solely from either (i) the retail
23 sale of goods or services at prices that in no case
24 exceed a reasonable approximation of the fair market
25 value of each item or service sold at the activity, or
26 (ii) a gambling operation licensed, conducted, or
27 operated in accordance with the provisions of Chapter
28 9.46 RCW and at which in no case is the monetary value
of any prize exceeded by the monetary value of any
single wager that may be made by a person participating
in such activity; and

1 (2) Any such fund-raising activity conforms with
2 such other standards as the Administrator may adopt as
3 rules under the Administrative Code to prevent frustration
4 of the purposes of this ordinance.

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

14 (c) All funds obtained through the use of a fund-
15 raising activity that conforms with the provisions of subsection
16 (a) of this section shall be deposited by the campaign
17 treasurer or deputy campaign treasurer in the same account
18 of the campaign depository into which monetary contributions
19 are to be deposited pursuant to Section 5(a) of this ordinance.

20 (d) Within three days after depositing funds derived
21 from a fund-raising activity in accordance with subsection
22 (c) of this section, the campaign treasurer or deputy campaign
23 treasurer making the deposit shall file with the Comptroller
24 a report containing the following information:

- 25 (1) The date on which the activity occurred;
- 26 (2) The location at which the activity occurred;
- 27 (3) A precise description of the fund-raising
28 methods used in the activity;
- (4) A financial statement noting gross receipts
and expenses for the activity, including an inventory
list where appropriate;

1 (5) The monetary value of wagers made and prizes
2 distributed for winning wagers, where appropriate;

3 (6) The name and address of each person who
4 contributed goods or services to the candidate or
5 political committee for sale at the activity if the
6 fair market value of the goods or services contributed
7 equals Ten Dollars (\$10.00) or more in the aggregate
8 from such person, together with a precise description
9 of each item or service contributed and its estimated
10 market value;

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

19 (8) A complete listing of the names and addresses
20 of the persons responsible for conducting the activity.

21 (e) The report required by subsection (d) of this
22 section shall be in duplicate upon a form prescribed by the
23 Administrator and shall be certified as correct by the
24 campaign treasurer or deputy treasurer making the deposit.
25 The second copy of the report shall be retained by the
26 depositor for his or her records.

27 Section 7. FILING AND REPORTING BY CONTINUING POLITICAL
28 COMMITTEE. (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
3, 4 and 5 of this ordinance.

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

7 (1) The information required by Section 10 of
8 this ordinance;

9 (2) Each expenditure made to retire previously
10 accumulated debts of the committee; identified by
11 recipient, amount, and date of payments;

12 (3) Such other information as the Administrator
13 shall prescribe by rule adopted pursuant to the Administrative
14 Code.

15 (c) If a continuing political committee shall make a
16 contribution in support of or in opposition to a candidate
17 or ballot proposition within sixty days prior to the date on
18 which such candidate or ballot proposition will be voted
19 upon, such continuing political committee shall report
20 pursuant to Section 9 of this ordinance, as now or hereafter
21 amended, until twenty-one days after said election.

22 (d) A continuing political committee shall file reports
23 as required by this ordinance until it is dissolved, at
24 which time a final report shall be filed. Upon submitting
25 a final report, the duties of the campaign treasurer shall
26 cease and there shall be no obligation to make any further
27 reports.

28 (e) The campaign treasurer shall maintain books of
account in accordance with generally accepted accounting
principles reflecting all contributions and expenditures on
a current basis within three business days of receipt or

1 expenditure. During the eight days immediately preceding the
2 date of any election, for which the committee has received
3 any contributions or made any expenditures, the books of
4 account shall be kept current within one business day and
5 shall be open for public inspection for at least two consecutive
6 hours Monday through Friday, excluding legal holidays,
7 between 8:00 a.m. and 8:00 p.m., as specified in the committee's
8 statement of organization filed pursuant to Section 3 of this
9 ordinance, as now or hereafter amended, at the principal
10 campaign headquarters or, if there is no campaign headquarters,
at the address of the campaign treasurer.

11 (f) All reports filed pursuant to this section shall
12 be certified as correct by the campaign treasurer.

13 Section 8. AUTHORIZATION OF EXPENDITURES AND RESTRICTIONS
14 THEREON. No expenditures shall be made or incurred by any
15 candidate or political committee except on the authority of
16 the campaign treasurer or the candidate; a record of all
such expenditures shall be maintained by the campaign treasurer.

17 Section 9. CANDIDATE'S OR POLITICAL COMMITTEE'S AND
18 TREASURER'S REPORTS. (a) On the day the campaign treasurer
19 is designated, each candidate or political committee shall
20 file with the City Comptroller, in addition to any statement of
21 organization required under Section 3 of this ordinance, a
22 report of all contributions received and expenditures made
in the election campaign prior to that date.

23 (b) At the following intervals each campaign treasurer
24 shall file with the City Comptroller a further report of the
25 contributions received and expenditures made since the date
26 of the last report:

27 (1) On the fifth and nineteenth days immediately
28 preceding the date on which the election is to be held;
and

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

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

10 The report filed under subsection (b) (2) of this section
11 shall be the final report if there is no outstanding debt or
12 obligation; the campaign fund is closed; the campaign is
13 concluded in all respects; and, in the case of a political
14 committee, the committee has ceased to function and has
15 dissolved. If the candidate or political committee has any
16 outstanding debt or obligation, additional reports shall be
17 filed at least once every six months until the obligation or
18 indebtedness is entirely satisfied at which time a final
19 report shall be filed. Upon submitting a final report, the
20 duties of the campaign treasurer shall cease and there shall
be no obligation to make any further reports.

21 (c) The campaign treasurer shall maintain books of
22 account in accordance with generally accepted accounting
23 principles reflecting all contributions and expenditures on
24 a current basis within three business days of receipt or
25 expenditure. During the eight days immediately preceding
26 the date of any election for which the political committee
27 has received any contributions or made any expenditures, the
28 books of account shall be kept current within one business
day and shall be open for public inspection for at least two

1 consecutive hours Monday through Friday, excluding legal
2 holidays, between 8:00 a.m. and 8:00 p.m., as specified in
3 the committee's statement of organization filed pursuant to
4 Section 3 of this ordinance, at the principal campaign
5 headquarters or, if there is no campaign headquarters, at
6 the address of the campaign treasurer.

7 (d) All reports filed pursuant to this section shall
8 be certified as correct by the candidate and the campaign
9 treasurer.

10 (e) Copies of all reports filed pursuant to this
11 section shall be readily available for public inspection for
12 at least two consecutive hours Monday through Friday, excluding
13 legal holidays, between 8:00 a.m. and 8:00 p.m., as specified
14 in the committee's statement of organization filed pursuant
15 to Section 3 of this ordinance, at the principal campaign
16 headquarters or, if there is no campaign headquarters, at
17 the address of the campaign treasurer.

18 Section 10. CONTENTS OF REPORT. (a) Each report
19 required under Section 9 of this ordinance shall disclose
20 for the period beginning at the end of the period for the
21 last report or, in the case of an initial report, at the
22 time of the first contribution or expenditure, and ending
23 not more than three days prior to the date the report is
24 due:

25 (1) The funds on hand at the beginning of the
26 period;

27 (2) The name and address of each person who has
28 made one or more contributions during the period,
together with the money value and date of such contributions
and the aggregate value of all contributions received
from each such person during the campaign or in the

1 case of a continuing political committee, the current
2 calendar year; Provided, that the income which results
3 from the conducting of a fund-raising activity which
4 has previously been reported in accordance with Section
5 6 of this ordinance may be reported as one lump sum,
6 with the exception of that portion of such income which
7 was received from persons whose names and addresses are
8 required to be included in the report required by
9 Section 6 of this ordinance; Provided further, that
10 contributions not exceeding Ten Dollars (\$10.00) in the
11 aggregate from any one person during the election
12 campaign may be reported as one lump sum so long as the
13 campaign treasurer maintains a separate and private
14 list of the names, addresses, and amounts of each such
15 contributor;

16 (3) Each loan, promissory note, or security
17 instrument to be used by or for the benefit of the
18 candidate or political committee made by any person,
19 together with the names and addresses of the lender and
20 each person liable directly, indirectly, or contingently
21 and the date and amount of each such loan, promissory
22 note, or security instrument;

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

28 (5) All other contributions not otherwise listed
or exempted;

(6) The name and address of each person to whom
an expenditure was made in the aggregate amount of

1 Twenty-five Dollars (\$25.00) or more, and the amount,
2 date, and purpose of each such expenditure;

3 (7) The total sum of expenditures;

4 (8) The surplus or deficit of contributions over
5 expenditures;

6 (9) The disposition made of any surplus of contribu-
7 tions over expenditures;

8 (10) Such other information as the Administrator,
9 in conformance with the policies and purposes of this
10 ordinance, requires by rule adopted pursuant to the
11 Administrative Code; and

12 (11) Funds received from a political committee
13 not domiciled in the State of Washington and not otherwise
14 required to report under this ordinance (a "nonreporting
15 committee"). Such funds shall be forfeited to the State
16 of Washington unless the nonreporting committee or the
17 recipient of such funds has filed or within three days
18 following such receipt shall file with the City Comptroller
19 a statement disclosing: (i) the name and address of the
20 nonreporting committee; (ii) the purposes of the nonreport-
21 ing committee; (iii) the names, addresses, and titles
22 of its officers or, if it has no officers, the names,
23 addresses, and titles of its responsible leaders; (iv)
24 a statement whether the nonreporting committee is a
25 continuing one; (v) the name and office sought of each
26 candidate in the City whom the nonreporting committee
27 is supporting; (vi) the ballot proposition supported or
28 opposed in the City, if any, and whether such committee
is in favor of or opposed to such proposition; (vii)
the name and address of each person residing in the
State of Washington or corporation which has a place of

1 business in the State of Washington that has made one
2 or more contributions to the nonreporting committee
3 during the preceding twelve-month period, together with
4 the money value and date of such contributions; (viii)
5 the name and address of each person in the State of
6 Washington to whom an expenditure was made by the
7 nonreporting committee on behalf of a candidate or
8 political committee in the aggregate amount of Twenty-
9 five Dollars (\$25.00) or more, the amount, date and
10 purpose of such expenditure, and the total sum of such
11 expenditures.

12 (b) The campaign treasurer and the candidate shall
13 certify the correctness of each report.

14 Section 11. SPECIAL REPORTS. (a) (1) For the purposes
15 of this subsection (a) the term "independent campaign
16 expenditure" shall mean any expenditure made in support
17 of or in opposition to any candidate or ballot proposition
18 and not otherwise required to be reported pursuant to
19 Sections 5, 7, 9, and 10 of this ordinance.

20 (2) Within three days after the date of making an
21 independent campaign expenditure which by itself or
22 when added to all other such independent campaign
23 expenditures made during the same election campaign by
24 the same person equals One Hundred Dollars (\$100) or
25 more, or within three days after the date of making an
26 independent campaign expenditure for which no reasonable
27 estimate of monetary value is practicable, whichever
28 occurs first, the person who made such independent
campaign expenditure shall file with the City Comptroller
an initial report of all independent campaign expenditures
made during such campaign prior to and including such
date.

1 (3) At the following intervals each person who is
2 required to file an initial report pursuant to subsection
3 (a) (2) of this section shall file with the City Comptroller
4 a further report of the independent campaign expenditures
5 made since the date of the last report:

- 6 (i) On the fifth and nineteenth days immediately
7 preceding the date on which the election is
8 to be held; and
9 (ii) Within ten days after the date of a primary
10 election, and within twenty-one days after
11 the date of all other elections; and
12 (iii) On the tenth day of each month preceding the
13 election in which no other reports are required
14 to be filed pursuant to this subsection (a);
15 Provided, that such further reports required
16 by this subsection (3) shall only be filed if
17 the reporting person has made an independent
18 campaign expenditure since the date of the
19 last previous report filed.

20 The report filed pursuant to paragraph
21 (ii) of this subsection (a) (3) shall be the
22 final report, and upon submitting such final
23 report the duties of the reporting person
24 shall cease, and there shall be no obligation
25 to make any further reports.

26 (4) All reports filed pursuant to this subsection
27 (a) shall be certified as correct by the reporting
28 person.

(5) Each report required by subsections (a) (2)
and (a) (3) of this section shall disclose for the
period beginning at the end of the period for the last

1 previous report filed or, in the case of an initial
2 report, beginning at the time of the first independent
3 campaign expenditure, and ending not more than three
4 days prior to the date the report is due:

5 (i) The name and address of the person filing the
6 report;

7 (ii) The name and address of each person to whom
8 an independent campaign expenditure was made
9 in the aggregate amount of Twenty-five Dollars
10 (\$25.00) or more, and the amount, date, and
11 purpose of each such expenditure. Provided,
12 that if no reasonable estimate of the monetary
13 value of a particular independent campaign
14 expenditure is practicable, it shall be
15 sufficient to report instead a precise description
16 of services, property, or rights furnished
17 through the expenditure and where appropriate
18 to attach a copy of the item produced or
19 distributed by the expenditure;

20 (iii) The total sum of all independent campaign
21 expenditures made during the campaign to
22 date; and

23 (iv) Such other information as the Administrator,
24 in conformance with the policies and purposes
25 of this ordinance, requires by rule adopted
26 pursuant to the Administrative Code.

27 (b) (1) Any person who contributes in the aggregate
28 amount of One Hundred Dollars (\$100) or more during the
preceding twelve-month period to any political committee
not domiciled in the State of Washington or not otherwise
required to report under this ordinance, if the person

1 reasonably expects such political committee to make
2 contributions in respect to any election covered by
3 this ordinance, shall file with the City Comptroller a
4 report signed by the contributor disclosing the contributor's
5 name and address, the date, nature, purpose, amount,
6 and recipient of such contribution, and any instructions
7 given as to the use or disbursement of such contribution.

8 (2) The initial report shall be filed with the
9 City Comptroller within three days after the date on which
10 the aggregate contribution amount of One Hundred Dollars
11 (\$100) or more is reached, and each subsequent report
12 shall be filed within three days after each subsequent
13 contribution is made to the same such political committee.

14 Section 12. COMMERCIAL ADVERTISERS' DUTY TO REPORT.

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

21 (1) The names and addresses of persons from whom
22 it accepted political advertising;

23 (2) The exact nature and extent of the advertising
24 services rendered; and

25 (3) The consideration and the manner of paying
26 that consideration for such services.

27 (b) Each commercial advertiser that must comply with
28 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.

1 Section 13. IDENTIFICATION OF CONTRIBUTIONS AND
2 COMMUNICATIONS. No contribution shall be made and no expenditure
3 shall be incurred, directly or indirectly, in a fictitious
4 name, anonymously, or by one person through an agent, relative,
5 or other person in such a manner as to conceal the identity
6 of the source of the contribution or in any other manner so
7 as to effect concealment.

8 All political advertising shall identify the sponsor or
9 sponsors thereof by name and address which may be the name and
10 address of the campaign treasurer or deputy campaign treasurer
11 together with the name of the candidate or political committee he
12 or she is serving; provided, that any political advertising on be-
13 half of a candidate sponsored by any person without the prior
14 knowledge and consent of the candidate shall be clearly identified
15 as such. (SEE FOLLOWING INSERT SHEET RE SECTIONS 13-A THRU 13-M)

16 Section 14. PROHIBITION AGAINST USE OF PUBLIC OFFICE
17 FACILITIES IN CAMPAIGNS. No elected official nor any employee
18 of his office nor any person appointed to or employed by any
19 public office or agency may use or authorize the use of any
20 of the facilities of a public office or agency, directly or
21 indirectly, for the purpose of assisting a campaign for
22 election of any person to any office or for the promotion of
23 or opposition to any ballot proposition. Facilities of
24 public office or agency include but are not limited to use
25 of stationery, postage, machines, and equipment, use of
26 employees of the office or agency during working hours,
27 vehicles, office space, publications of the office or agency,
28 and clientele lists of persons served by the office or
agency; Provided, that the foregoing provisions of this
section shall not apply to those activities that are part of
the normal and regular conduct of the office or agency.

SECTIONS 13A THRU 13M ADDED BY ORDINANCE 107772 RE PARTIAL PUBLIC FINANCING.

SECTION 13-A.

SECTION 13-B.

SECTION 13-C. AMENDED - ORD# **-107978**

SECTION 13-D.

SECTION 13-E.

SECTION 13-F.

SECTION 13-G.

SECTION 13-H.

SECTION 13-I.

SECTION 13-J.

SECTION 13-K.

SECTION 13-L.

SECTION 13-M.

1 Section 15. OFFICE OF ELECTION ADMINISTRATION. There
2 is hereby established an Office of Election Administration
3 to implement this ordinance.

AMENDED - ORD.

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4 Section 16. ADMINISTRATOR -- DUTIES THEREOF. The
5 executive head of the Office of Election Administration
6 shall be the Administrator, whose office shall not be included
7 in the classified Civil Service. The Administrator must
8 have had employment experience as an auditor and shall be
9 appointed by the FCPC. Each Administrator shall be appointed to
10 an initial term of one year, subject to confirmation by a
11 two-thirds vote of the members of the City Council, and may
12 thereafter be re-appointed to subsequent four (4) year terms
13 subject to a like vote. The Administrator shall be removed
14 from that position only for cause and subject to a two-
15 thirds vote of the City Council. The rate of compensation
16 for such position is hereby fixed and established at a
17 maximum of \$ _____ per month; Provided, that no
18 appointment shall be made under the authority of this section
19 except upon the filing by the Civil Service Commission as a
20 permanent record in the office of the City Comptroller of
21 its recommendation that such office, as a professional or admin-
22 istrative office or position similar to offices and positions
23 designated in Article XVI, Section 11 of the City Charter,
24 should not be included in the classified Civil Service.

22 The Administrator of the Office of Election Administration
23 shall be responsible for the management of said office and
24 in that connection is authorized to:

25 (a) Adopt, promulgate, amend, and rescind suitable
26 administrative rules and regulations to carry out the policies
27 and purposes of this ordinance, which rules and regulations
28 shall be promulgated pursuant to the provisions of the
Administrative Code; Provided, that administrative rules and

1 regulations adopted by the PDC shall be applicable in the
2 construction, interpretation and implementation of such
3 provisions of this ordinance as are substantially the same
4 as provisions of Ch. 42.17 RCW;

5 (b) Relieve, by published regulations of general
6 applicability, candidates or political committees of obligations
7 to comply with the provisions of this ordinance relating to
8 election campaigns, if they have not received contributions
9 nor made expenditures of more than One Thousand Dollars
(\$1000) in connection with any election campaign; and

10 (c) Require that forms developed and prepared by the
11 PDC be utilized for the reports and statements required to
12 be made under this ordinance; Provided, that whenever the
13 Administrator determines that any such form is not reasonably
14 appropriate for the purposes of this ordinance, he may
15 develop and provide suitable forms as are reasonably necessary,
and require such forms to be utilized for such purposes;

16 (d) Encourage persons required to make reports under
17 this ordinance to use the PDC-published manual that sets
18 forth recommended uniform methods of bookkeeping and reporting;

19 (e) Compile and maintain a current list of all filed
20 reports and statements;

21 (f) Investigate whether properly completed statements
22 and reports have been filed within the times required by
this ordinance;

23 (g) Review all disclosure reports for completeness and
24 internal consistency;

25 (h) Independently verify entries on disclosure reports
26 and other forms selected on an arithmetically random basis;

27 (i) Prepare and publish, not less than ten days before
28 newly elected officers take office, a report setting forth,
as to each candidate who filed a final report, the amounts

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

7 (j) Determine upon written complaint or upon his or
8 her own initiative, in accordance with Section 17 of this
9 ordinance, that a violation of this ordinance has occurred,
10 and report such apparent violation to either the FCPC or the
11 PDC; provided that the Administrator shall have the authority
12 to resolve with the person who has apparently violated this
13 ordinance, what the Administrator determines to be inadvertent,
14 de minimus violations without referring the matter to the
15 FCPC or the PDC for a hearing; provided further that the
16 Administrator shall report violations to the PDC only in the
17 event the FCPC is unable to hear the matter.

18 (k) Have access to reports filed with the City Comptroller
19 in accordance with this ordinance and make copies thereof
20 available for public inspection and distribution during
21 regular office hours at the expense of the person requesting
22 copies of the same. .

23 (l) Keep, for a period of time not less than five
24 years from the date of filing, copies of all official reports,
25 records and statements furnished by the City Comptroller to
26 the Administrator for public inspection.

27 Section 17. COMPLAINT PROCEDURE. Any registered voter
28 of The City of Seattle may file with the Administrator a
29 complaint under oath alleging a violation of this ordinance.
30 Upon receipt of such complaint, the Administrator shall
31 conduct a preliminary investigation and, if he determines

1 that there are no reasonable grounds to believe that a
2 violation has occurred, shall dismiss such complaint; otherwise,
3 he shall refer such complaint to the FCPC or to the PDC for
4 a hearing.

5 Section 18. FAIR CAMPAIGN PRACTICES COMMISSION ESTABLISHED.
6 There is hereby established a Fair Campaign Practices Commission
7 (herein abbreviated as FCPC) for The City of Seattle, composed
8 of seven members appointed as follows:

9 (a) Three (3) members shall be appointed by the Mayor.

10 (b) Three (3) members shall be appointed by a two-
11 thirds (2/3) vote of the members of the City Council.

12 (c) The seventh member shall be appointed by the six
13 other members of the FCPC and shall serve as Chairperson.

14 (d) The Chairperson shall have no less than five years
15 experience as an arbitrator, hearing officer, attorney
16 experienced in litigation or administrative hearings or
17 judge, or any combination thereof, prior to his/her selection.

18 Members of the FCPC shall serve without compensation
19 and shall hold office for a term of three years ending
20 December 31, of the third year of such term and until their
21 successors are appointed and qualify; provided that of the
22 original appointees to the FCPC the Chairperson and two
23 members shall serve for a term of three years, two members
24 shall serve for a term of two years, and two members shall
25 serve for a term of one year, the holders of such terms of
26 office, other than the Chairperson, to be decided by lot.
27 Members shall be eligible for reappointment.

28 Members of the Fair Campaign Practices Commission
created by Ordinance 100241 currently serving shall constitute
the first five original members of the FCPC and shall be
considered the appointee of the authority which appointed
him or her under Ordinance 100241.

1 A vacancy on the FCPC shall be filled within thirty
2 days of the vacancy by the appropriate appointing authority
3 in the same manner as original appointments and shall serve
4 for the remaining term of his or her predecessor. A vacancy
5 shall not impair the powers of the remaining members to
6 exercise all of the powers of the FCPC.

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

13 Any member of the FCPC may be removed by the appointing
14 authority for neglect of duty or misconduct in office, which
15 removal shall be subject to concurrence by a two-thirds
16 (2/3) vote of the City Council. Subverting or attempting to
17 influence the independence and separation of the Office of
18 Election Administrator from the FCPC by an FCPC member shall
be considered misconduct in office.

19 Section 19. POWERS AND DUTIES OF FAIR CAMPAIGN PRACTICES
20 COMMISSION. The FCPC shall have the following duties and
21 powers:

22 (a) All hearings shall be conducted by the Chairperson.
23 Other members of the FCPC may, at the discretion of the
24 Chairperson, hear and rule on complaints; provided that (1)
25 only members who are present during the entire hearing on a
26 particular complaint may participate and vote on the FCPC
27 decision with respect to that complaint and (2) members of
28 the FCPC may not participate in a hearing involving candidates
who appointed them or whose opponent appointed them. In the

1 event that the three appointees of the Mayor and the three
2 appointees of the City Council are all disqualified from
3 participating in any one hearing, the chairperson shall
4 appoint four persons to serve as FCPC members pro tempore
5 for that hearing.

6 (b) The FCPC shall adopt, promulgate, amend and rescind
7 suitable administrative rules and regulations for the conduct
8 of hearings which rules and regulations shall be promulgated
9 pursuant to the provisions of the Administrative Code;
10 provided, that the administrative rules and regulations
11 adopted by the PDC pursuant to RCW 42.17 shall be applicable
12 in the construction, interpretation and implementation of
13 such provisions of this ordinance as are substantially the
14 same as provisions of Ch. 42.17 RCW.

15 (c) The FCPC shall, upon application made to it,
16 conduct hearings and, when appropriate, grant exemptions
17 from the disclosure requirements of this ordinance as provided
18 in Section 24 of this ordinance.

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

24 Section 20. COMPLAINT RESOLUTION PROCEDURE. (a) All
25 hearings that are held to evaluate whether the provisions of
26 this ordinance have been violated shall be conducted in
27 conformance with FCPC rules and regulations regarding
28 hearing procedure except as otherwise provided in this
29 ordinance.

(b) The FCPC shall conduct a hearing on each complaint
referred to it by the Administrator and shall rule thereon;

1 provided such hearings shall be held and rulings made within
2 ten (10) days following the date a complaint is referred to
3 it by the Administrator or within half the time from the
4 date the complaint is referred to it to the date of the
5 election, whichever is less.

6 (c) All hearings shall be conducted as "contested
7 case" hearings under the Administrative Code.

8 (d) The FCPC may require any person against whom a
9 complaint has been referred or any person reasonably believed
10 to have information concerning the activities of such person
11 to appear at a time and place designated in the City, to
12 give such information under oath and to produce all accounts,
13 bills, receipts, books, papers, and documents which may be
14 relevant or material to any investigation authorized under
this ordinance.

15 (e) Upon the completion of the hearing on each complaint
16 referred to it by the Administrator, the FCPC shall, within
17 72 hours, issue a written determination stating whether this
18 ordinance has been violated and a statement setting forth
19 the facts and provisions of law upon which the determination
20 is based. Except that if the subject of the complaint
21 relates to an election which is to be held within seven days
22 of the complaint, then the written determination of the FCPC
23 must be made within 48 hours of the completion of the
24 hearing. In each case where the FCPC's determination is
25 that a violation has occurred, the Chairperson shall immediately
26 forward the written determination to the Corporation Counsel's
27 office for prosecution pursuant to Section 22(a) of this
28 ordinance.

AMENDED - ORD.

107772

1 Section 21. CIVIL REMEDIES AND SANCTIONS. One or more
2 of the following civil remedies and sanctions may be imposed
3 by court order in addition to any other remedies provided by
4 law:

5 (a) If the court finds that the violation of any
6 provision of this ordinance by any candidate or political
7 committee probably affected the outcome of any election, the
8 result of said election may be held void and a special
9 election held within sixty days of such finding. Any action
10 to void an election shall be commenced within one year of
11 the date of the election in question. It is intended that
12 this remedy be imposed freely in all appropriate cases to
13 protect the right of the electorate to an informed and
14 knowledgeable vote.

AMENDED - ORD.

107886

14 (b) The court may enjoin any person to prevent the
15 doing of any act herein prohibited, or to compel the performance
16 of any act required herein.

17 (c) Any person who fails to report a contribution or
18 expenditure may be subject to a civil penalty equivalent to
19 the amount not exceeding Five Hundred Dollars (\$500) he or
20 she failed to report.

21 (d) Any person who violates any of the provisions of
22 this ordinance may be subject to a civil penalty of not more
23 than Two Hundred Fifty Dollars (\$250) for each such violation;
24 Provided, however, that any person responsible for the
25 filing of a properly completed statement or report within
26 the time required by this ordinance who fails to file a
27 properly completed statement or report within such time may
28 be subject to a civil penalty of Ten Dollars (\$10.00) per
day for each day each such delinquency continues; And provided
further, that no individual penalty assessed pursuant to

1 this subsection (d) of this section shall exceed Two Hundred
2 Fifty Dollars (\$250), and in any case where multiple violations
3 are involved in a single complaint or hearing, the maximum
4 aggregate penalty shall not exceed Five Hundred Dollars
5 (\$500).

6 Section 22. ENFORCEMENT. (a) The Corporation Counsel
7 shall bring civil actions in the name of the City and commenced
8 in the municipal court for any appropriate civil remedy or
9 penalty.

10 (b) The Administrator may investigate or cause to be
11 investigated the activities of any person who there is
12 reason to believe is or has been acting in violation of this
13 ordinance, and may require any such person or any other
14 person reasonably believed to have information concerning
15 the activities of such person to appear at a time and place
16 designated in the City, to give such information under oath
17 and to produce all accounts, bills, receipts, books, papers,
18 and documents which may be relevant or material to any
19 investigation authorized under this ordinance.

20 Section 23. ATTORNEY'S FEES -- COSTS -- PUNITIVE
21 DAMAGES. In any action brought under this ordinance, the
22 court may award to the City all costs of investigation and
23 trial, including a reasonable attorney's fee to be fixed by
24 the court. If the violation is found to have been intentional,
25 the amount of the judgment, which shall for this purpose
26 include the costs, may be trebled as punitive damages. If
27 the defendant prevails, he or she shall be awarded all costs
28 of trial, and may be awarded a reasonable attorney's fee to
be fixed by the court to be paid by the City.

Section 24. EXEMPTION FROM DISCLOSURE REQUIREMENTS.
An exemption from the disclosure requirements of this ordinance

1 shall be granted by the FCPC to a political association or
2 political committee if such political association or political
3 committee has applied in writing to the FCPC for such exemption
4 and has demonstrated by a reasonable probability that the
5 compelled disclosure of contributors' names will subject the
6 contributors to threats, harassment, or reprisals from
7 either government officials or private parties, and that as
8 a result of such disclosure it is reasonably probable that
9 advocacy of a dissident view will be hindered and the right
10 to free association chilled.

11 The decision to grant or deny an exemption from disclosure,
12 with the reason or reasons therefor, shall be set out in
13 writing with a copy given to the political association or
14 committee and a copy kept on file in the Office of Election
15 Administrator for public inspection.

16 Section 25. SEVERABILITY. If any portion of this
17 ordinance, or its application to any person or circumstance
18 is held invalid, the remainder of the ordinance, or the
19 application of the provisions to other persons or circumstances
20 is not affected.

21 Section 26. REPEALER. Ordinance 100241, entitled:

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

28 and all other ordinances and parts of ordinances in conflict
herewith, are hereby repealed.

Section 27. 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 1 day of August, 1977
and signed by me in open session in authentication of its passage this 1 day of August, 1977

[Signature]
President of the City Council.

Approved by me this 12 day of August, 1977

[Signature]
Mayor.

Filed by me this 12 day of August, 1977

Attest: *[Signature]*
City Comptroller and City Clerk.

(SEAL)

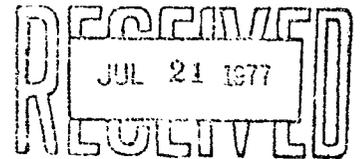
Published.....

[Signature]
Deputy Clerk.

Seattle City Council



CORPORATION COUNSEL



ASSIGNED TO _____

Sam Smith
President of the Council
625-2455

George E. Benson
Chairman
Transportation
Committee
625-2441

Tim Hill
Chairman
Finance Committee
625-2438

Paul Kraabel
Chairman
Planning & Urban
Development Committee
625-2447

Phyllis Lamphere
Chairman
Intergovernmental
Relations Committee
625-2436

Wayne D. Larkin
Chairman
Utilities Committee
625-2443

John R. Miller
Chairman
Parks & Public
Grounds Committee
625-2451

Randy Revelle
Chairman
Public Safety & Justice
Committee
625-2445

Jeanette Williams
Chairman
Human Resources &
Operations Committee
625-2453

July 21, 1977

Honorable John Harris
Corporation Counsel
City of Seattle

Dear Mr. Harris:

I am hereby requesting, on behalf of the City Council, that your office modify engrossed Council Bill 98181 (Fair Campaign Practices Ordinance) as follows:

- 1) Change the designated filing place of all reports, forms and materials from the "Administrator" to the "City Comptroller".
- ✓ 2) Include on Page 24, Section 13, the following:

"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."
- ✓ 3) On Page 27, Section 16, add a new section "1" to read as follows:

"Have access to reports filed with the City Comptroller in accordance with this ordinance and make copies thereof available for public inspection and distribution during regular office hours at the expense of the person requesting copies of the same."
- ✓ 4) On Page 28, Section 18(d), lines 25 and 26, delete the words "and for two years thereafter."

Honorable John Harris
July 21, 1977
Page 2.

- ✓ 5) On Page 29, Section 19(a), lines 17, 18, and 19, delete the words "for the office which appointed them or candidates who presently hold a position in the office which appointed them." Add the following words "who appointed them or whose opponent appointed them" and also add the following:

"In the event that the three appointees of the Mayor and the three appointees of the City Council are all disqualified from participating in any one hearing, the chairperson shall appoint four persons to serve as FCPC members pro tempore for that hearing."

- ✓ 6) On Page 30, Section 19(d), change lines 4,5,6, and 7 to read as follows:

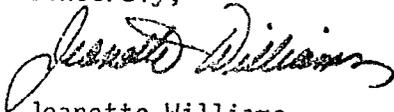
"Shall make public not less than twenty four (24) hours in advance the time and date of any formal hearing set to determine whether a violation has occurred, the question or issues to be considered, and when the hearing is completed, the results thereof."

- ✓ 7) On Page 33, Section 24, add to the end of the paragraph the following sentence:

"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."

The City Council would like to enact this ordinance on either Monday, July 25, 1977 or the following Monday, August 1, 1977. Therefore, your earliest response would be appreciated.

Sincerely,



Jeanette Williams
City Council Member
Seattle City Council

JW:lm
cc: City Council Members

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on COMMITTEE OF THE WHOLE

AUG 1 1977

to which was referred

C.B. 98181

Relating to and providing for the regulation and reporting of election campaign contributions and expenditures; creating an office of Elections Administration, establishing the position of Administrator, defining offenses and prescribing penalties and repealing Ordinance 100241,

RECOMMENDS THAT SAME DO PASS AS AMENDED.



Chairman JW

Chairman

Committee

Committee

ing. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(c) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount not exceeding Five Hundred Dollars (\$500) he or she failed to report.

(d) Any person who violates any of the provisions of this ordinance may be subject to a civil penalty of not more than Two Hundred Fifty Dollars (\$250) for each such violation; PROVIDED, however, that any person responsible for the filing of a properly completed statement or report within the time required by this ordinance who fails to file a properly completed statement or report within such time may be subject to a civil penalty of Ten Dollars (\$10.00) per day for each day each such delinquency continues; AND PROVIDED FURTHER, that no individual penalty assessed pursuant to this subsection (d) of this section shall exceed Two Hundred Fifty Dollars (\$250), and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty shall not exceed Five Hundred Dollars (\$500).

Section 22. ENFORCEMENT.
(a) The Corporation Council shall bring civil actions in the name of the City and commenced in the municipal court for any appropriate civil remedy or penalty.

(b) The Administrator may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this ordinance, 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 ordinance.

Section 23. ATTORNEY'S FEES - COSTS - PUNITIVE DAMAGES. In any action brought under this ordinance, the court may award to the City all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If the defendant prevails, he or she shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the City.

Section 24. EXEMPTION FROM DISCLOSURE REQUIREMENTS. An exemption from the disclosure requirements of this ordinance 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.

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.

Section 25. SEVERABILITY. If any portion of this ordinance, or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provisions to other persons or circumstances is not affected.

Section 26. REPEALER. Ordinance 100241, entitled:

"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."

and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Section 27. 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 8th day of August, 1977, and signed by me in open session in authentication of its passage this 8th day of August, 1977.

SAM SMITH,
President of the City Council.

Approved by me this 12th day of August, 1977.

WES UHL IAN,
Mayor.

Filed by me this 12th day of August, 1977.

Attest: E. L. KIDD,
City Comptroller and
City Clerk.

(Seal) WAYNE ANGEVINE,
Deputy Clerk.

Publication ordered by E. L. KIDD, Comptroller and City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, August 17, 1977.

(C-192)

ORDINANCE 106833

AN ORDINANCE relating to and providing for the regulation and reporting of election campaign contributions and expenditures; creating an Office of Elections Administration, establishing the position of Administrator of such office, prescribing the duties and powers of such Administrator, defining offenses and prescribing penalties and repealing Ordinance 100241.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. STATEMENT OF COUNCIL INTENT. (a) It is hereby declared to be the public policy of The City of Seattle:

(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 the 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 the impartiality established in Initiative 276 (Ch. 42.17 RCW);

(8) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions will 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 fundamental and necessary for the sound governance of a free society.

(b) The provisions of this ordinance 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 ordinance shall be enforced so as to ensure that the information disclosed will not be misused for arbitrary and capricious purposes and to ensure that all persons reporting under this ordinance will be protected from harassment and unfounded allegations based on information they have freely disclosed.

(c) It is the intent of the Council, the Fair Campaign Practices Commission and the Office of Elections Administration hereinafter created shall be separate and independent from each other and both shall be free from political influence with regard to the responsibilities given to them under this or subsequent ordinances.

(d) Further, it is the intent of the Council that this Ordinance be interpreted and applied consistently with the DE MINIMIS MAXIM, that inadvertent minor violations of this Ordinance may be corrected and cured without full hearing in a manner consistent with the spirit and intent of this Ordinance.

Section 2. DEFINITIONS. (a) "Administrative Code" means the Administrative Code of The City of Seattle, Ordinance 102228 as amended.

(b) "Administrator" means the Administrator of the Office of Election Administration of The City of Seattle.

(c) "Agency" means all offices, boards, departments, divisions, commissions and similar subdivisions of The City of Seattle.

(d) "Ballot proposition" means any measure, question, initiative, referendum, recall, or charter amendment submitted to, or proposed for submission to the voters of the City.

(e) "Campaign depository" means a bank designated by a candidate or political committee pursuant to Section 4 of this ordinance.

(f) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee pursuant to Section 4 of this ordinance, to perform the duties specified in this ordinance.

(g) "Candidate" means any individual who seeks election to public office in The City of Seattle, whether or not successfully. An individual shall be deemed to seek election when he or she first:

(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; or

(2) Announces publicly or files for office.

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

(i) "Commercial advertiser" means any person who sells the services 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.

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

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

(l) "Elected Official" means any person elected at a general or special election to any public office of The City of Seattle and any person appointed to fill a vacancy in any such office.

(m) "Election" includes a primary, general, or special election for public office of The City of Seattle and 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 1) of the Constitution of the State of Washington shall not be considered an election for purposes of this ordinance.

(n) "Election campaign" means a campaign in support of, or in opposition to a candidate for election to public office of The City of Seattle and any campaign in support of, or in opposition to, a ballot proposition.

(o) "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. The term "expenditure" also includes a promise to pay, and a payment or a 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. The term "expenditure" shall not include 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 payment of service charges against a political committee's campaign account.

(p) "Fair Campaign Practices Commission (FCPC)" means the Fair Campaign Practices Commission established by Section 18 of this Ordinance.

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

(r) "Final Report" means the report described as a final report in Section 9 of this ordinance.

(s) "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, political party, executive committee thereof, or any other organization or group of persons, however organized.

(t) "Political advertising" means any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, 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.

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

(v) "Public office" means any elective office of The City of Seattle.

As used in this ordinance, the singular shall take the plural and VICE VERSA, and any gender, any other, as the context requires.

Section 3. OBLIGATION OF POLITICAL COMMITTEES TO FILE STATEMENT OF ORGANIZATION. (a) Every political committee, within ten days after its organization or within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the City Comptroller.

(b) The statement of organization shall include but not be limited to:

(1) The name and address of the committee;

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

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

(4) The names and addresses of the campaign treasurer and deputy treasurer;

(5) A statement whether the committee is a continuing one;

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

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

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

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

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

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

Section 4. CAMPAIGN TREASURER-DEPOSITORY. (a) Each candidate, at or before the time he or she announces publicly or files for office, and each political committee, at or before the time it files a statement of organization, shall designate and file with the City Comptroller the names and addresses of:

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

(2) One bank doing business in this state to serve as campaign depository.

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

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

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

(d) No campaign treasurer, deputy campaign treasurer, or campaign depository shall act or perform any function as such

until its name and address are filed with the City Comptroller.

Section 5. DEPOSIT OF CONTRIBUTIONS - DESIGNATION OF ACCOUNTS - STATEMENT OF CAMPAIGN TREASURER REGARDING CONTRIBUTIONS - UNIDENTIFIED CONTRIBUTIONS. (a) All monetary contributions received by a candidate, political committee, campaign treasurer or deputy campaign treasurer shall be deposited by the campaign treasurer or deputy campaign treasurer in a campaign depository in an account designated, "Campaign Fund of," (name of candidate or political committee).

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

(c) Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purposes; PROVIDED, that each such account shall bear the same name followed by an appropriate designation which accurately identifies its separate purpose; AND PROVIDING FURTHER, that transfers of funds that must be reported under Section 10(a)(4) of this ordinance may not be made from more than one such account.

(d) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to Section 10(a)(2) of this ordinance, that total in excess of one 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.

Section 6. REPORT OF CAMPAIGN TREASURER REGARDING FUND-RAISING ACTIVITY - PROHIBITION AGAINST ACCEPTANCE OF PAYMENT AT FUND-RAISING ACTIVITY, WHICH PAYMENT RESULTS IN PROFIT OF TEN DOLLARS (\$10.00) OR MORE, WITHOUT DISCLOSURE OF IDENTIFYING INFORMATION. (a) A campaign treasurer may report funds received from fund-raising activity as such, in accordance with the provisions of subsection (d) of this section, in lieu of reporting such funds as contributions pursuant to Section 5 of this ordinance; PROVIDED, that

(1) The income resulting from the conduct of the activity is derived solely from either:

(i) the retail sale of goods or services at prices that in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity; or (ii) a gambling operation licensed, conducted, or operated in accordance with the provisions of Chapter 9.46 RCW and at which in no case is the monetary value of any proceeds received by the monetary value of any single wager that may be made by a person participating in such activity; and

(2) Any such fund-raising activity conforms with such other standards as the Administrator may adopt as rules under the Administrative Code to prevent frustration of the purposes of this ordinance.

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

(c) All funds obtained through the use of a fund-raising activity that conforms with the provisions of subsection (a) of this section shall be deposited by the campaign treasurer or deputy campaign treasurer in the same account at the campaign depository into which all other contributions are to be deposited pursuant to Section 5(a) of this ordinance.

(d) Within three days after depositing funds derived from a fund-raising activity in accordance with subsection (c) of this section, the campaign treasurer or deputy campaign treasurer making the deposit shall file with the Comptroller a report containing the following information:

- (1) The date on which the activity occurred;
- (2) The location at which the activity occurred;
- (3) A precise description of the fund-raising methods used in the activity;
- (4) A financial statement noting gross receipts and expenses for the activity, including an inventory list where appropriate;
- (5) The monetary value of wagers made and prizes distributed for winning wagers, where appropriate;
- (6) The name and address of each person who contributed goods or services to the candidate or political committee for sale at the activity; if the fair market value of the goods or services contributed equals Ten Dollars (\$10.00) or more in the aggregate from such person, together with a precise description of each item or service contributed and its estimated market value;
- (7) The name and address of each person whose identity can be ascertained and who makes payments to the candidate or political committee at such activity which result in a profit of Ten Dollars (\$10.00) or more to the candidate or political committee, together with the approximate amount of profit to the candidate or political committee which results from such payments; and
- (8) A complete listing of the names and addresses of the persons responsible for conducting the activity.

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

Section 7. REPORTING BY CONTINUING POLITICAL COMMITTEE. (a) In addition to the provisions of this section, a continuing political committee shall file a report on the same conditions and at the same times as any other committee in accordance with the provisions of Sections 3, 4 and 5 of this ordinance.

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

(1) The information required by Section 10 of this ordinance.

(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.

(c) If a continuing political committee shall make a contribution in support of or in opposition to a candidate or ballot proposition within sixty days prior to the date on which such candidate or ballot proposition will be voted upon, such continuing political committee shall report pursuant to Section 9 of this ordinance, as now or hereafter amended, until twenty-one days after said election.

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

(e) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures of the committee within three business days of receipt or expenditure. During the eight days immediately preceding the date of any election, for which the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a. m. and 8:00 p. m., as specified in the committee's statement of organization filed pursuant to Section 3 of this ordinance, as now or hereafter amended, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

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

Section 8. AUTHORIZATION OF EXPENDITURES AND RESTRICTIONS THEREON. 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.

Section 9. CANDIDATE'S OR POLITICAL COMMITTEE'S AND TREASURER'S REPORTS. (a) On the day the campaign treasurer is designated, each candidate or political committee shall file with the City Comptroller, in addition to any statement of organization required under Section 3 of this ordinance, a report of all contributions received and expenditures made in the election campaign prior to that date.

(b) At the following intervals each campaign treasurer shall file with the City Comptroller a further report of the contributions received and expenditures made since the date of the last report:

- (1) On the fifth and nineteenth days immediately preceding the date on which the election is to be held; and
- (2) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and
- (3) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section; PROVIDED, that such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month. Interest on moneys deposited or service charges shall not be deemed contributions or expenditures.

The report filed under subsection (b) (2) of this section shall be the final report if there is no outstanding debt or obligation of the campaign fund; if closed; the campaign is concluded in all respects; and, in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(c) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting

all contributions and expenditures on a current basis within three business days of receipt of such expenditure. During the eight days immediately preceding the date of any election for which the political committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a. m. and 8:00 p. m., as specified in the committee's statement of organization filed pursuant to Section 3 of this ordinance, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(d) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(e) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a. m. and 8:00 p. m., as specified in the committee's statement of organization filed pursuant to Section 3 of this ordinance, at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

Section 10. CONTENTS OF REPORT. (a) Each report required under Section 9 of this ordinance beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

- (1) The funds on hand at the beginning of the period;
- (2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate of all contributions received from each such person during the campaign or in the case of a continuing political committee the current calendar; PROVIDED, that the income which results from the conducting of a fund-raising activity which has previously been reported in accordance with Section 6 of this ordinance may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by Section 6 of this ordinance; PROVIDED FURTHER, that contributions not exceeding Ten Dollars (\$10.00) in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names, addresses, and amounts of each such contributor;
- (3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly or contingently and the date and amount of each such loan, promissory note, or security instrument;
- (4) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds together with the amounts, dates, and purpose of all such transfers;
- (5) All other contributions not otherwise listed or exempted;
- (6) The name and address of each person to whom an expenditure was made in the aggregate amount of Twenty-five Dollars (\$25.00) or more, and the amount, date, and purpose of each such expenditure;
- (7) The total sum of expenditures;
- (8) The surplus or deficit of contributions over expenditures;
- (9) The disposition made of any surplus of contributions over expenditures;
- (10) Such other information as the Administrator, in conformance with the policies and purposes of this ordinance, requires by rule adopted pursuant to the Administrative Code; and
- (11) Funds received from a political committee not domiciled in the State of Washington and not otherwise required

to report under this ordinance to a nonreporting committee. Such funds shall be forfeited to the State of Washington unless the nonreporting committee or the recipient of such funds has filed or within three days following such receipt shall file with the City Comptroller a statement disclosing:

- (i) the name and address of the nonreporting committee;
- (ii) the purposes of the nonreporting committee;
- (iii) the names, addresses, and titles of its officers or, if no officers, the names, addresses, and titles of its responsible leaders;
- (iv) a statement whether the nonreporting committee is a continuing one; (v) the name and office sought of each candidate in the City whom the nonreporting committee is supporting; (vi) the ballot proposition supported or opposed in the City, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the State of Washington or corporation which has a place of business in the State of Washington that has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the State of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of Twenty-five Dollars (\$25.00) or more, the amount, date and purpose of such expenditure, and the total sum of such expenditures.

(b) The campaign treasurer and the candidate shall certify the correctness of each report.

Section 11. SPECIAL REPORTS. (a) (1) For the purposes of this subsection (a) the term "independent campaign expenditure" shall mean any expenditure made in support of or in opposition to any candidate or ballot proposition and otherwise required to be reported pursuant to Sections 5, 7, 9, and 10 of this ordinance.

(2) Within three days after the date of making an independent campaign expenditure which by itself or in addition to all other such independent campaign expenditures made during the same election campaign by the same person equals One Hundred Dollars (\$100) or more, or within three days after the date of making an independent campaign expenditure for which no reasonable estimate of money value is practicable, which ever occurs first, the person who made such independent campaign expenditure shall file with the City Comptroller an initial report of all independent campaign expenditures made during such campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (a) (2) of this section shall file with the City Comptroller a further report of the independent campaign expenditures made since the date of the last report:

- (i) On the fifth and nineteenth days immediately preceding the date on which the election is to be held; and
- (ii) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and
- (iii) On the tenth day of each month preceding the election in which no other reports are required to be filed pursuant to this subsection (a); PROVIDED, that such further reports required by this subsection (3) shall only be filed if the reporting person has made an independent campaign expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (ii) of this subsection (a) (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

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

(5) Each report required by subsections (a) (2) and (a) (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent campaign expenditure, and ending not more than three days prior to the date the report is due:

value of a particular independent campaign expenditure is practicable, it shall be sufficient to report and a precise description of services, property, or rights furnished through an expenditure and where appropriate to attach a copy of the items produced or distributed by the expenditure;

(11) The total sum of all independent campaign expenditures made during the campaign to date; and

(12) Such other information as the Administrator, in conformance with the policies and purposes of this ordinance, requires by rule adopted pursuant to the Administrative Code.

(b) (1) Any person who contributes in the aggregate amount of One Hundred Dollars (\$100) or more during the preceding twelve-month period to any political committee not domiciled in the State of Washington or not otherwise required to report under this ordinance, if the person reasonably expects such political committee to make contributions in respect to any election covered by this ordinance, shall file with the City Comptroller a report signed by the contributor disclosing the contributor's name and address, the date, nature, purpose, amount, and recipient of such contribution, and any instructions given as to the use or disbursement of such contribution.

(2) The initial report shall be filed with the City Comptroller within three days after the date on which the aggregate contribution amount of One Hundred Dollars (\$100) or more is reached, and each subsequent report shall be filed within three days after each subsequent contribution is made to the same such political committee.

Section 12. COMMERCIAL ADVERTISERS' DUTY TO REPORT.

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

(1) The names and addresses of persons from whom it accepted political advertising;

(2) The exact nature and extent of the advertising services rendered; and

(3) The consideration and the manner of paying the consideration for such services.

(b) Each commercial advertiser that must comply with subsection (a) of this section shall deliver to the Administrator, upon request, copies of such information as must be maintained open for public inspection pursuant to subsection (a) of this section.

Section 13. IDENTIFICATION OF CONTRIBUTIONS AND COMMUNICATIONS. 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 a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

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.

Section 14. PROHIBITION AGAINST USE OF PUBLIC OFFICE FACILITIES IN CAMPAIGNS. No elected official nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include but are not limited to use of stationery, postage machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and telephone lists of persons served by the office or agency. PROVIDED, that the foregoing provisions of this section shall not apply to those activities that are part of the normal and regular conduct of the office or agency.

(1) The name and address of the person filing the report;

(2) The name and address of each person to whom an expenditure was made and the aggregate amount of Two Hundred Dollars (\$200), or more, and the amount, date, and purpose of each such expenditure; and

(3) If no reasonable estimate of the monetary value of the expenditure is available, the name and address of the person to whom the expenditure was made and the aggregate amount of Two Hundred Dollars (\$200), or more, and the amount, date, and purpose of each such expenditure; and

Section 15. OFFICE OF ELECTION ADMINISTRATION. There is hereby established an Office of Election Administration to implement this ordinance.

Section 16. ADMINISTRATOR - DUTIES THEREOF. The executive head of the Office of Election Administration shall be the Administrator, whose office shall not be included in the classified Civil Service. The Administrator must have had employment experience as an auditor and shall be appointed by the FCPC. Each Administrator shall be appointed to an initial term of one year, subject to confirmation by a two-thirds vote of the members of the City Council, and may thereafter be re-appointed to subsequent four (4) year terms subject to a like vote. The Administrator shall be removed from that position only for cause and subject to a two-thirds vote of the City Council. The rate of compensation for such position is hereby fixed and established at a maximum of \$10,000 per month; PROVIDED, that no appointment shall be made under the authority of this section except upon the filing by the Civil Service Commission as a permanent record in the office of the City Comptroller of its recommendation of the office, as a professional or administrative office or position similar to offices and positions designated in Article XVI, Section 11 of the City Charter, should not be included in the classified Civil Service.

The Administrator of the Office of Election Administration shall be responsible for the management of said office and in that connection is authorized to:

(a) Adopt, promulgate, amend and rescind suitable administrative rules and regulations to carry out the policies and purposes of this ordinance, which rules and regulations shall be promulgated pursuant to the provisions of the Administrative Code; PROVIDED, that administrative rules and regulations adopted by the FCPC shall be applicable in the construction, interpretation and implementation of such provisions of this ordinance as are substantially the same as provisions of Ch. 42.17 RCW;

(b) Relieve, by published regulations of general applicability, candidates and political committees of obligations to comply with the provisions of this ordinance relating to election campaigns, if they have not received contributions nor made expenditures in excess of One Thousand Dollars (\$1000) in connection with any election campaign; and

(c) Require that forms developed and prepared by the PDC be utilized for the reports and statements required to be made under this ordinance; PROVIDED, that whenever the Administrator determines that any such form is clearly and reasonably appropriate for the purposes of this ordinance, he may develop and provide suitable forms; and

(d) Encourage persons required to make reports under this ordinance to use the PDC-published manual that sets forth recommended uniform methods of bookkeeping and reporting;

(e) Compile and maintain a current list of all filed reports and statements;

(f) Investigate whether properly completed statements and reports have been filed within the times required by this ordinance;

(g) Review all disclosure reports for completeness and internal consistency;

(h) Independently verify entries on disclosure reports and other forms selected on an arithmetically random basis;

(i) Prepare and publish, not less than ten days before newly elected officers take office, a report setting forth 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

publish such other reports as in his judgment will tend to promote the purposes of this Ordinance.

(j) Determine upon written complaint or upon his own initiative, in accordance with Article 17 of this ordinance, that a violation of this ordinance has occurred, and report such apparent violation to either the FCPC or the PDC; PROVIDED, that the Administrator shall have the authority to resolve with the person who has apparently violated this ordinance, what the Administrator determines to be inadvertent, DE MINIMUS violations without referring the matter to the FCPC or the PDC for a hearing; provided that the Administrator shall report violations to the PDC only in the event the FCPC is unable to hear the matter.

(k) Have access to reports filed with the City Comptroller in accordance with this ordinance and make copies thereof available for public inspection and distribution during regular office hours at the expense of the person requesting copies of the same.

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

Section 17. COMPLAINT PROCEDURE. Any registered voter of the City of Seattle may file with the Administrator a complaint under oath alleging a violation of this ordinance. Upon receipt of such complaint, the Administrator shall cause a preliminary investigation and if he determines that there are no reasonable grounds to believe that a violation has occurred, he shall dismiss such complaint; otherwise, he shall refer such complaint to the FCPC or to the PDC for a hearing.

Section 18. FAIR CAMPAIGN PRACTICES COMMISSION ESTABLISHED. There is hereby established a Fair Campaign Practices Commission (hereinafter referred to as FCPC) for the City of Seattle, composed of seven members appointed as follows:

(a) Three (3) members shall be appointed by the Mayor.

(b) Three (3) members shall be appointed by a two-thirds (2/3) vote of the members of the City Council.

(c) The seventh member shall be appointed by the six (6) members of the FCPC and shall serve as Chairperson.

(d) The Chairperson shall have no less than five years experience as an arbitrator, hearing officer, attorney experienced in litigation or administrative hearings, or judge, or other members of the profession, prior to his/her selection.

Members of the FCPC 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 qualified; provided that of the original appointees to the FCPC the Chairperson and two members shall serve for a term of three years, two members shall serve for a term of one year, and one member shall serve for a term of one year, other than the Chairperson, to be decided by lot. Members shall be eligible for reappointment.

Members of the Fair Campaign Practices Commission created by Ordinance 10024 currently serving shall constitute the first five original members of the FCPC and shall be considered the appointees of the authority which appointed him or her under Ordinance 10024.

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

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

Any member of the FCPC may be removed by the appointing authority for neglect of duty or misconduct in office, which removal shall be subject to concurrence by a two-thirds (2/3) vote of the City Council. Subsequent to the removal and suspension of a member of the FCPC, the Administrator from the FCPC

an FCPC member shall be considered misconduct in office.

Section 19. POWERS AND DUTIES OF FAIR CAMPAIGN PRACTICES COMMISSION. The FCPC shall have the following duties and powers:

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

(b) The FCPC shall adopt, promulgate, amend and rescind suitable administrative rules and regulations for the conduct of hearings and regulations shall be promulgated pursuant to the provisions of the Administrative Code; PROVIDED, that the administrative rules and regulations adopted by the FCPC pursuant to RCW 42.17 shall be applicable in the construction, interpretation and implementation of such provisions of this ordinance as are substantially the same as provisions of Ch. 42.17 RCW.

(c) The FCPC, upon application made to it, conduct hearings and, when appropriate, grant exemptions from the disclosure requirements of this ordinance as provided in Section 24 of this ordinance.

(d) The FCPC shall make public not less than twenty-four (24) hours in advance the time and date of any formal hearing set to determine whether a violation has occurred, and the question or issues to be considered, and when the hearing is completed, the results thereof.

Section 20. COMPLAINT RESOLUTION PROCEDURE. (a) All hearings that are held to evaluate whether the provisions of this ordinance have been violated shall be conducted in conformance with FCPC rules and regulations regarding hearing procedure except as otherwise provided in this ordinance.

(b) The FCPC shall conduct a hearing on each complaint referred to it by the Administrator and shall rule thereon; provided such hearings shall be held and rulings made within ten (10) days following the date of the complaint is referred to the Administrator or within half the time from the date the complaint is referred to it to the date of the election, whichever is less.

(c) All hearings shall be conducted as "contested cases" hearings under the Administrative Code.

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

(e) Upon the completion of the hearing on each complaint referred to it by the Administrator, the FCPC shall, within 72 hours, issue a written determination stating whether this ordinance has been violated and a statement setting forth the facts and provisions of law upon which the determination is based. Except that if the subject of the complaint relates to an election which is to be held within seven days of the completion of the written determination of the FCPC must be made within 48 hours of the completion of the hearing. In each case where the FCPC's determination that a violation has occurred, the Chairperson shall immediately forward the written determination to the Corporation Counsel's office for prosecution pursuant to Section 22(a) of this ordinance.

Section 21. CIVIL REMEDIES AND SANCTIONS. One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this ordinance by any candidate or political committee probably affected the outcome of any election, the result of such election may be held void and a special election held within sixty days of such a

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Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a _____

Ordinance No. 106657

was published on August 17, 1941

[Signature]
Subscribed and sworn to before me on

August 17, 1941

[Signature]
Notary Public for the State of Washington
residing in Seattle.