

Ordinance No. 120833

W.C.

The City of Seattle Council Bill/Ordinance

Council Bill No. 114197

AN ORDINANCE revising procedures relating to elections; updating provisions concerning the elections pamphlet provided to City voters; amending provisions concerning the duties of the City Clerk to conform with current state elections law; amending sections in Chapters 2.14 and 3.42 of the Seattle Municipal Code; and removing sections from that codification.

6/11/02 Star
6-17-02 Passed

CF No.

Date Introduced:	JUN 3 - 2002	
Date 1st Referred:	To: (committee) <u>Neighborhoods, Arts & Civil Rights Committee</u>	
Date Re - Referred:	JUN 3 - 2002	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>6-17-02</u>	<u>7-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>6-18-02</u>	<u>6/25/02</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/>
<u>6/25/02</u>	<u>8/19</u>	F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *Neil L. L...* LICATA
Councilmember

Committee Action:

6/11/02 Passed HL, JC, RC

6-17-02 Passed 7-0 (Excused: Steinbrueck, Wills)

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Law Dept. Review

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City Clerk
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ORDINANCE 120833

AN ORDINANCE revising procedures relating to elections; updating provisions concerning the elections pamphlet provided to City voters; amending provisions concerning the duties of the City Clerk to conform with current state elections law; amending sections in Chapters 2.14 and 3.42 of the Seattle Municipal Code; and removing sections from that codification.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 2.14.010 of the Seattle Municipal Code is amended as follows:

2.14.010 Election pamphlet.

A. The Executive Director of the Seattle Ethics and Elections Commission ("Executive Director") shall prepare, ~~((and))~~ publish, and ~~((the City Clerk shall))~~ mail to each residence or registered voter within the City an election pamphlet as soon as practical prior to each primary, special or general election. Alternatively, the Executive Director may arrange with the appropriate King County officials, on terms satisfactory to the Executive Director and consistent with this Chapter, for the contents of the City's election pamphlet to be included in a pamphlet published and mailed by King County pursuant to RCW Chapter 29.81A. The pamphlet shall contain:

1. For each measure, the identification by serial number, the ballot title, the text, an explanatory statement, and arguments for and against the passage of the measure;
2. The photographs and campaign statements of the candidates for the offices of Municipal Court Judge, City Councilmember and City Attorney, and the Mayor, whose names are listed on the ballot;
3. Information from other jurisdictions which participate in the pamphlet;
4. A sample ballot;



1 5. Information about election laws of participating jurisdictions, qualifications for voting, voter
2 registration, obtaining and using an absentee ballot or an application for an absentee ballot; and

3 6. When candidates are included, a brief explanation of how voters may participate in the
4 election campaign process and of disclosure requirements that apply to campaign contributions.

5 B. The Executive Director shall determine, among other matters, the organization, size,
6 dimensions, format, and the layout of the pages of the pamphlet subject to the guidelines in this chapter.
7 Whenever applicable, the election pamphlet shall comply with the provisions of RCW Chapter 29.81A
8 and RCW Chapter(~~s 29.80 and~~) 29.81 regarding the publication of the State candidates' and voters'
9 pamphlets. The Executive Director is authorized to produce and make publicly available the election
10 pamphlet in electronic format.

11 C. The Executive Director shall perform the duties that RCW Chapter 29.81A imposes on a
12 “city clerk” of a first-class city, except that the Seattle Ethics and Elections Commission rather than the
13 Executive Director shall adopt administrative rules concerning the election pamphlet.

14 Section 2. Section 2.14.020 of the Seattle Municipal Code is amended as follows:

15 **2.14.020 Material on propositions and initiatives.**

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

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

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



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

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

6 F. No obscene, profane, libelous, or defamatory matter, or language which may impair the
7 circulation of the ((voters²)) election pamphlet through the mails shall be accepted.

8 Section 3. Section 2.14.040 of the Seattle Municipal Code is amended as follows:

9 **2.14.040 Committees to prepare arguments.**

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

16 B. Each committee shall prepare and submit to the Executive Director an opening argument, and, if
17 an opposing argument is submitted, after reviewing the opposing argument, the committee shall submit a
18 rebuttal. The opening argument and the rebuttal argument shall be submitted within the respective
19 deadlines established pursuant to SMC Section 2.14.100. The Committee may also submit an address,
20 ((and)) phone number, e-mail address, and web address for publication in the ((voters¹))election
21 pamphlet that the public may use in communicating with the committee or, with the organization's
22 consent, an organization selected by the committee.

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

7 Section 4. Section 2.14.050 of the Seattle Municipal Code is amended as follows:

8 **2.14.050 Information on candidates.**

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

11 B. ~~((No p))~~ Photographs ~~((or))~~ and statements shall appear only for ~~((any))~~ those City office
12 candidates ~~((conducting a write-in campaign unless such candidate is a declared write-in candidate~~
13 pursuant to RCW 29.04.180)) whose names are scheduled to appear on the ballot of the election for
14 which that pamphlet is published and distributed.

15 Section 5. Section 2.14.060 of the Seattle Municipal Code is amended as follows:

16 **2.14.060 Candidates' submissions.**

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



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

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

10 Section 6. Section 2.14.080 of the Seattle Municipal Code is amended as follows:

11 **2.14.080 Preparation and circulation.**

12 Among other activities, the Executive Director shall inform the candidates and argument committees
13 about the election pamphlet and their opportunities to submit material; the Executive Director shall
14 prepare an audio tape ((and braille)) transcript in English and distribute it without charge, upon request,
15 to any visually handicapped person or organization affiliated or working with such people; the Executive
16 Director shall prepare a copy in Spanish and distribute it in sufficient quantities through the Seattle
17 Public Library and Hispanic organizations to those conversant in Spanish; and the Executive Director
18 shall prepare a copy in Chinese, and insofar as funds permit, in other Asian languages for which the
19 Executive Director determines that the need for a translated copy is greatest, and distribute the same
20 through the Seattle Public Library and organizations serving the Asian community in Seattle. Foreign
21 language translations may contain a summary rather than the full text of a proposition, initiative,
22 referendum or Charter amendment. ((The City Clerk may delegate to the Executive Director the
23 performance of mailing activities, notification functions, and the implementation of rules.))
24



1 Section 7. Section 2.14.090 of the Seattle Municipal Code is amended as follows:

2 **2.14.090 Participation of additional jurisdictions.**

3 At least ninety (90) days before the publication of the election pamphlet, the Executive Director ((
4 ~~any primary or general election, or at least forty (40) days before any special election held under RCW~~
5 ~~29.13.010 or RCW 29.13.020, the City Clerk~~)) shall notify all taxing districts located wholly ((~~or~~
6 ~~partially located~~)) within Seattle that the City will produce an election pamphlet and invite the district to
7 participate as authorized by RCW 29.81A.010 through 29.81A.020 and RCW 29.81A.070. The notice
8 shall contain the deadline established pursuant to RCW 29.81A.030(1) for responding. ((~~The City Clerk~~
9 ~~may designate that the Executive Director perform these functions on behalf of the City Clerk.~~)) If
10 another jurisdiction located wholly within the City of Seattle elects to participate in a City election
11 pamphlet, the Executive Director shall work with the participating government to produce a joint
12 pamphlet or arrange for inclusion of information from the participating jurisdiction in the City pamphlet.
13 A participating government shall provide for appeals from the actions of its officials on material
14 submitted.

15 Section 8. Section 2.14.100 of the Seattle Municipal Code is amended as follows:

16 **2.14.100 Deadlines--Rules.**

17 The ((~~City Clerk~~)) Seattle Ethics and Elections Commission with the assistance of the Executive
18 Director, and any participating jurisdiction, shall establish deadlines by calendar date in accordance with
19 the procedures of the Administrative Code (SMC Chapter 3.02; Ordinance 102228, as amended) for the
20 submission of arguments; for transfer by the Executive Director of principal statements between
21 committees making opposing arguments; and for submission of rebuttal arguments. The ((~~City Clerk~~
22 ~~with the assistance of the Executive Director~~)) Seattle Ethics and Elections Commission shall
23 promulgate other rules and regulations in accordance with the Administrative Code (SMC Chapter 3.02;
24



1 Ordinance 102228, as amended) to carry out this chapter, including among other matters, the manner of
2 applying the word limitations.

3 Section 9. Sections 2.14.120 and 2.14.130 of the Seattle Municipal Code shall be removed from
4 that codification.

5 Section 10. Section 3.42.030 of the Seattle Municipal Code is amended as follows:

6 **3.42.030 Statutory duties.**

7 The City Clerk is assigned the duties of the City Comptroller or City Clerk set out in the
8 following state statutes, among others:

Function or Activity	Applicable Statute
Agent for service of summons	RCW 4.28.080
((Elections, voter registration and voters' pamphlet))	((RCW 29.01.010 RCW 29.07.020 RCW 29.21.017 RCW 29.21.060 RCW 29.21.140 RCW 29.81A.020 RCW 29.81A.030 RCW 29.81A.060))
Election certifications and designations	RCW 35.10.265 RCW 35.14.030 - RCW 35.14.060 RCW 35.22.055 - RCW 35.22.070 RCW 35.22.110 - RCW 35.22.150
Publish ordinances and maintain custody thereof	RCW 35.21.180
Publishing notice of waterfront leases	RCW 35.23.420
Authentication of signatures and documents	RCW 35.22.110 RCW 35.36.020 - RCW 35.36.060
Maintaining records of protests to assessment rolls, keeping the record of appeals and proceedings	RCW 35.43.070 RCW 35.55.070 - RCW 35.55.080 RCW 35.56.090

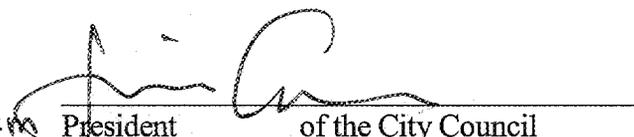


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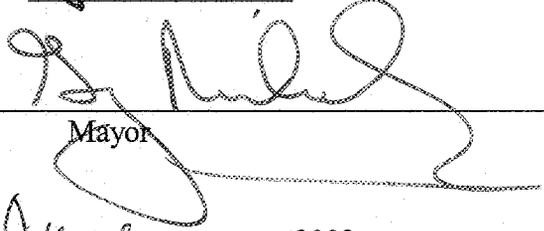
Keeping records and publishing notice of various street projects	RCW 35.56.040 (fills) RCW 35.68.030 (sidewalk) RCW 35.73.020 (regrades) RCW 35.73.030 RCW 35.85.020 (viaducts)
Receiving and filing claims	RCW 35.71.110
Filing comprehensive plans, certain appointments, interlocal government agreements, retroceded streets, and documents	RCW 35.63.100 RCW 35.81.160 RCW 39.34.040 RCW 47.24.010 RCW 90.58.120

Section 11. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 17th day of June, 2002, and signed by me in open session in authentication of its passage this 17th day of June, 2002.


Pro Tem President _____ of the City Council

Approved by me this 25 day of June, 2002.



Mayor

Filed by me this 25th day of June, 2002.



City Clerk

(Seal)





City of Seattle

Ethics and Elections Commission

Carolyn M. Van Noy, Executive Director

May 28, 2002

Council President Peter Steinbrueck
Council Member Nick Licata, Chair
Neighborhoods, Arts & Civil Rights Committee
11th Floor, Municipal Building
600 Fourth Avenue
Seattle, WA 98104

Re: Proposed Revisions of the Election Pamphlet Code, SMC 2.14 and
Duties of the City Clerk, SMC 3.42

Dear Council President Steinbrueck and Council Member Licata,

Attached are the Ethics and Elections Commission's recommended revisions to the Election Pamphlet Code and the Duties of the City Clerk. The recommendations do the following:

Codify The Joint Publication With King County: The amendment to SMC 2.14.010 codifies the practice of jointly publishing pamphlets with King County, whenever it is cost effective.

Remove The City Clerk From The Voters' Pamphlet Production And Rule Adoption Functions: The amendments of SMC 2.14.010(C), 2.14.080, 2.14.090, and 2.14.100 reflect the current practice of the Executive Director compiling and publishing the voters' pamphlet and the Commission adopting rules. The proposed amendment of SMC 3.42.030 removes the duties related to the voters' pamphlet, elections administration, and voter registration from the City Clerk, as well. All of these amendments reflect current practice.

Remove Language Permitting A Write-In Candidate To Appear In The Pamphlet: The amendment of SMC 2.14.050 rescinds the authority to permit write-in candidates to appear in the voters' pamphlet. The State and County do not permit write-in candidates to appear in the pamphlet. The appearance in the 2001 General Election Voters' Pamphlet of a write-in candidate for Mayor with the two candidates who won the Primary was confusing. If a write-in were the only person running because of some tragedy that struck the other candidates, the Council could pass emergency legislation to permit the appearance of that person in the pamphlet.

Clarify and Clean-up: The remaining amendments are for clarification and clean-up.

These recommendations are on the June 11, 2002 meeting agenda of the Neighborhoods, Arts & Civil Rights Committee. I will attend that meeting to provide further clarification or to answer questions. Please let me know if I can provide further assistance in advance of that meeting.

Yours truly,

Carolyn M. Van Noy,
Executive Director

700 Fifth Avenue, Suite 4010, Seattle, WA 98104-5051

Tel: (206) 684-8500, Fax: (206) 684-8590, E-Mail: carol.van.noy@ci.seattle.wa.us, Web: <http://www.ci.seattle.wa.us/ethics>

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STATE OF WASHINGTON – KING COUNTY

--SS.

146837
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

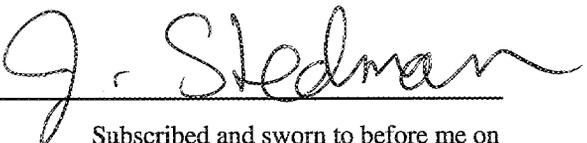
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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

CT:120833 ORD IN FULL

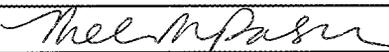
was published on

7/1/2002

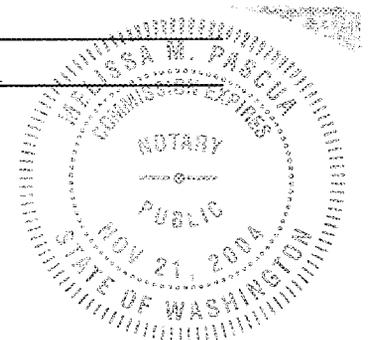


Subscribed and sworn to before me on

7/2/2002


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120833

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2.14.010 Election pamphlet.

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1. For each measure, the identification by serial number, the ballot title, the text, an explanatory statement, and arguments for and against the passage of the measure;
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6. When candidates are included, a brief explanation of how voters may participate in the election campaign process and of disclosure requirements that apply to campaign contributions.

B. The Executive Director shall determine, among other matters, the organization, size, dimensions, format, and the layout of the pages of the pamphlet subject to the guidelines in this chapter. Whenever applicable, the election pamphlet shall comply with the provisions of RCW Chapter 29.81A and RCW Chapter ~~((s-29.80 and))~~ 29.81 regarding the publication of the State candidates' and voters' pamphlets. The Executive Director is authorized to produce and make publicly available the election pamphlet in electronic format.

C. The Executive Director shall perform the duties that RCW Chapter 29.81A imposes on a "city clerk" of a first-class city, except that the Seattle Ethics and Elections Commission rather than the Executive Director shall adopt administrative rules concerning the election pamphlet.

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C. Arguments in support of

Public Library and Hispanic organizations to those conversant in Spanish; and the Executive Director shall prepare a copy in Chinese, and insofar as funds permit, in other Asian languages for which the Executive Director determines that the need for a translated copy is greatest, and distribute the same through the Seattle Public Library and organizations serving the Asian community in Seattle. Foreign language translations may contain a summary rather than the full text of a proposition, initiative, referendum or Charter amendment. ~~((The City Clerk may delegate to the Executive Director the performance of mailing activities, notification functions, and the implementation of rules.))~~

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Section 8. Section 2.14.100 of the Seattle Municipal Code is amended as follows:

2.14.100 Deadlines—Rules.

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

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Agent for service of summons	RCW 4.28.080
((Elections, voter registration and voters' pamphlet))	((RCW 29.01.010 RCW 29.07.070 RCW 29.51.017