

Ordinance No. 121543

Council Bill No. 1149210

AN ORDINANCE relating to the election pamphlet provided to City voters; amending Chapter 2.14 of the Seattle Municipal Code.

The City of Seattle
Council Bill/Ordinance

W Pass 4-0
7-12-04 Hold

7/19/04 Held on
7-26-04 Passed

CF No. _____

Date Introduced: <u>JUN 14 2004</u>		
Date 1st Referred: <u>JUN 14 2004</u>	To: (committee)	<u>Government Affairs & Labor</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>7-26-04</u>	Full Council Vote: <u>7-1</u>	
Date Presented to Mayor: <u>7-27-04</u>	Date Approved: <u>8/3/04</u>	
Date Returned to City Clerk: <u>8/3/04</u>	Date Published: <u>4 p.m.</u>	T.O. <input checked="" type="checkbox"/> P.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 Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Jan Drago
Councilmember

Committee Action:

W Pass 4-0 JD, TC, RM, JG

7-12-04 Hold 1 week. 9-0

7/19/04 Held one week

(6
5)

7-26-04 Passed As Amended 7-1 (No: Rasmussen;
Excused: Drago)

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

Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP
Review

W
City Clerk
Review

EMS
Electronic
Copy Loaded

Indexed

ORDINANCE 121543

AN ORDINANCE relating to the election pamphlet provided to City voters; amending Chapter 2.14 of the Seattle Municipal Code.

WHEREAS, the City Council has determined that the issue of whether candidates' campaign statements may discuss their opponent(s) is best left to the Ethics and Elections Commission to regulate pursuant to its rulemaking authority; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective through December 31, 2004, Section 2.14.020 of the Seattle Municipal Code is amended as follows:

2.14.020 Material on propositions and initiatives.

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

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

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

D. The text of a measure may accompany the arguments on the measure or appear in a separate section of the pamphlet.

E. Each argument on a measure shall contain a principal statement and, where an opposing argument is made, a rebuttal. The principal statement may be (~~shall not exceed~~)

1 ((~~four hundred (400))~~) two hundred (200) words but not longer, and the rebuttal may be ((shall
2 ~~not exceed~~)) ((~~one hundred fifty (150))~~) seventy-five (75) words but not longer.

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

5 Section 2. Effective through December 31, 2004, Section 2.14.060 of the Seattle
6 Municipal Code is amended as follows:

7 **2.14.060 Candidates' submissions.**

8 A. To participate in the election pamphlet, a candidate shall file with the Executive
9 Director (1) a photograph taken within the past two (2) years and (2) a campaign statement. The
10 filing shall be in the form and within the deadlines established by rules promulgated pursuant to
11 Section 2.14.100. The candidate may also submit an address, phone number, e-mail address, and
12 web address for publication in the election pamphlet that the public may use in communicating
13 with the candidate or the candidate's political committee.
14

15 B. The photograph shall show the candidate's face, or face, neck and shoulders in the
16 manner of a portrait. It shall exclude other images, such as the candidate's hands, anything held
17 in the candidate's hands, or other people. The candidate shall not wear a uniform or hat or bear
18 an insignia. The background shall be plain. The photograph shall be of a size or quality suitable
19 for reproduction. Informal snapshots, cartoons, caricatures, or images that do not accurately
20 portray the candidate shall be rejected.
21

22 C. The candidate's statement ((~~shall not exceed~~)) may be ((~~four hundred (400))~~) one
23 hundred fifty (150) words but not longer. No obscene, profane, libelous or defamatory matter, or
24 language, which may impair circulation of the pamphlet through the mail, shall be accepted. ((A
25 candidate's campaign statement shall not discuss the opponent.))
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1
2 Section 3. Effective January 1, 2005, Subsection 2.14.020 E of the Seattle Municipal
3 Code is amended as follows:

4 **2.14.020 Material on propositions and initiatives.**

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6
7 E. Each argument on a measure shall contain a principal statement and, where an
8 opposing argument is made, a rebuttal. The principal statement may be ~~((two hundred (200)))~~
9 four hundred (400) words but not longer and the rebuttal may be one hundred fifty (150)
10 ~~((seventy five (75)))~~ words but not longer.

11 ***

12 Section 4. Effective January 1, 2005, Subsection 2.14.060 C of the Seattle Municipal
13 Code is amended as follows:

14 **2.14.060 Candidates' submissions.**

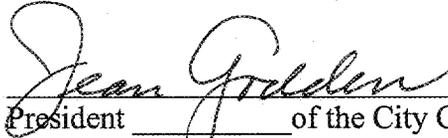
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17 C. The candidate's statement may be ~~((one hundred fifty (150)))~~ four hundred (400)
18 words but not longer. No obscene, profane, libelous or defamatory matter, or language, which
19 may impair circulation of the pamphlet through the mail, shall be accepted.
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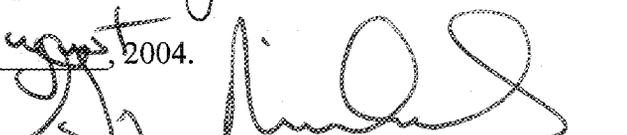
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22 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
23 its approval by the Mayor, but if this ordinance is not approved and returned by the Mayor
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1 within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section
2 1.04.020.

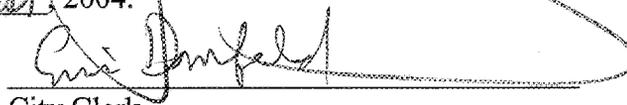
3 Passed by the City Council the 26th day of July, 2004, and signed by me in
4 open session in authentication of its passage this 26th day of July, 2004.

5
6 
7 President _____ of the City Council

8 Approved by me this 3rd day of August, 2004.

9 
10 Gregory J. Nickels, Mayor

11 Filed by me this 3rd day of August, 2004.

12 
13 acting City Clerk

14 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Ethics and Elections	Polly Grow / 5-1248	Thomas Dunlap / 6-9120

Legislation Title: AN ORDINANCE relating to the election pamphlet provided to City voters; amending Chapter 2.14 of the Seattle Municipal Code.

- **Summary of the Legislation:**

Reduce maximum length of Candidate Statements in the Seattle Voters Pamphlet from 400 to 150 words or less. Reduce the maximum length of Ballot Issue Pro and Con Statements from 400 to 200 words or less. Reduce the maximum length of Rebuttal statements from 150 to 75 words or less. The Seattle Ethics and elections Commission has already reduced the statement limits to these numbers through administrative rule, beginning with the 2004 pamphlets. This is consistent with the existing SMC which says the various statements "shall not exceed" a given number of words, and gives the Commission the authority to make rules to govern the pamphlet. The Commission rules in 2004 for the first time set a lower limit within the upper bound permitted by ordinance. The proposed legislation would reduce the theoretical cap to what is presently allowed by Commission rule.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

We are proposing the changes to SMC 2.14.020, and 2.14.060 for two reasons: 1) we have received feedback from candidates and ballot issue committees questioning the length of Seattle's voters' pamphlet statements compared to other jurisdictions in King County; and 2) in light of budget cutbacks, this is an amenable way to achieve our budget goal.

- *Please check one of the following:*

This legislation does not have any financial implications.

The financial implications resulting from the actions proposed in this legislation were described in the fiscal note attached to Ordinance No.121430, adopted by the City Council on March 29, 2004, and signed by the Mayor on April 8, 2004.





City of Seattle

Ethics and Elections Commission

June 7, 2004

Honorable Jan Drago, President
Seattle City Council
City Hall, 2nd Floor
600 4th Avenue
Seattle, WA 98104

Dear Council President Drago:

Attached please find the Seattle Ethics and Elections Commission's recommended revisions to the Election Pamphlet Code. The proposed recommendations will:

Reduce Candidate Statements in the Seattle Voters Pamphlet from 400 to 150 Words or Less. Reduce the Ballot Issue Pro and Con Statements from 400 to 200 words or less. Reduce Rebuttal statements from 150 to 75 words or less. We are proposing the changes to SMC 2.14.020, and 2.14.060 for two reasons: 1) we have received feedback from candidates and ballot issue committees questioning the length of Seattle's voters' pamphlet statements compared to other jurisdictions in King County; and 2) in light of budget cutbacks, this is an amenable way to achieve our budget goal.

An informal survey by the SEEC staff of other King County jurisdictions that publish voters pamphlets found that, on average, candidates are allowed from 150 to 300 words apiece in their candidate statements. Ballot issues are allowed 200¹ words for the pro and con statements and 75 words for rebuttal statements. Over the years, several committees have commented to SEEC staff that they feel compelled to use up all the space allotted even though, in their eyes, a shorter statement might be more appropriate.

Meet Budget Reduction Goals: Because the number of candidates and ballot issues appearing in the voters' pamphlet varies from election to election, an exact figure for any given year is not estimable. However, the proposed change would have resulted in an average savings of \$10,000 per year over the last three years. Please note that this reduction in our appropriation is already included in **Ordinance 121430, Subsection 2.38**. The Commission has by rule instituted this reduction, within the upper limit presently set by ordinance, effective with the voters' pamphlet for the September 2004 election.

If you have questions about this proposed legislation, please contact Polly Grow at 5-1248. Thank you for your consideration.

Sincerely,

Harley Anders
Executive Director

¹ Municipal Incorporation measures allowed proponents and opponents 500 words apiece. Rebuttals are limited to 75 words.

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

3 Section 2. Section 2.14.060 of the Seattle Municipal Code is amended as follows:

4 **2.14.060 Candidates' submissions.**

5 A. To participate in the election pamphlet, a candidate shall file with the Executive
6 Director (1) a photograph taken within the past two (2) years and (2) a campaign statement. The
7 filing shall be in the form and within the deadlines established by rules promulgated pursuant to
8 Section 2.14.100. The candidate may also submit an address, phone number, e-mail address, and
9 web address for publication in the election pamphlet that the public may use in communicating
10 with the candidate or the candidate's political committee.
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12 B. The photograph shall show the candidate's face, or face, neck and shoulders in the
13 manner of a portrait. It shall exclude other images, such as the candidate's hands, anything held
14 in the candidate's hands, or other people. The candidate shall not wear a uniform or hat or bear
15 an insignia. The background shall be plain. The photograph shall be of a size or quality suitable
16 for reproduction. Informal snapshots, cartoons, caricatures, or images that do not accurately
17 portray the candidate shall be rejected.
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19 C. The candidate's statement shall not exceed ~~((four hundred (400)))~~ one hundred fifty
20 (150) words. No obscene, profane, libelous or defamatory matter, or language, which may
21 impair circulation of the pamphlet through the mail, shall be accepted. A candidate's campaign
22 statement shall not discuss the opponent.
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Section 3. 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 ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)



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Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)

Green

1

Councilmember Licata

Amendment to Ethics and Elections C.B.

1. Add a new WHEREAS clause to read:

WHEREAS, the City Council has determined that the issue of whether candidates' campaign statements may discuss their opponent(s) is best left to the Ethics and Elections Commission to regulate pursuant to its rulemaking authority; and

AND

Amend Section 4 (C) by striking the words:

A candidates campaign statement shall not discuss the opponent.

STATE OF WASHINGTON – KING COUNTY

--SS.

175532
CITY OF SEATTLE, CLERKS 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:121543 ORD IN FULL

was published on

8/9/2004

Michael

Subscribed and sworn to before me on

8/9/2004

Jennifer A. Patten

Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 121543

AN ORDINANCE relating to the election pamphlet provided to City voters; amending Chapter 2.14 of the Seattle Municipal Code.

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

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I ROSENBLUM Address for
representative: THEODORE
Attorney for Personal
Personal Representative
BRETT L. BAKER
6, 2004
Date of First Publication: July
assets
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140,060. This bar is effective as
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The personal representative of