



PROPOSED INITIATIVE PETITION SUBMITTAL RECEIPT

Initiative No. 128

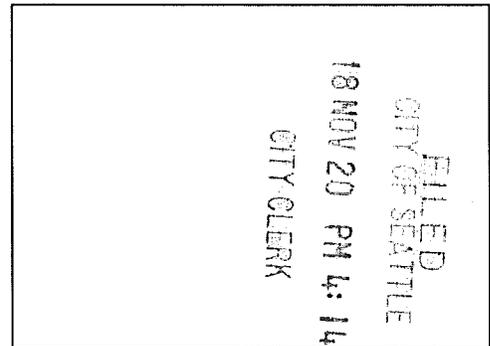
On November 20, 2018 at 4:15 a.m./p.m., I filed one paper and one electronic copy of a proposed Initiative Petition with the Seattle City Clerk.

Signed E. Campbell

ELIZABETH CAMPBELL
Print Name

CITY CLERK ACKNOWLEDGEMENT OF RECEIPT

Date/Time Stamp:



[Signature]
Received by (City Clerk)
Janet Polata for Monica Martinez Simmons

DELIVERED BY HAND

FILED
CITY OF SEATTLE

18 NOV 20 PM 4: 12

CITY CLERK



November 20, 2018

Monica Martinez Simmons, City Clerk
City of Seattle
600 Fourth Avenue, Third Floor
Seattle, WA 98004

RE: Proposed initiative petition to repeal Ordinance 125324

Dear Monica,

Please find enclosed for filing a hard copy of proposed initiative measure no. ____, a petition to repeal Ordinance 125324, the excise tax on sweetened beverages.

I am the contact person or coordinator, for all communications from your office or the City Attorney for this petition. My contact address, email, and phone are noted below.

Elizabeth Campbell
Street Address:
4027 21st Avenue West Suite 205
Seattle, WA 98199

Mailing Address:
3213 W. Wheeler Street No. 271
Seattle, WA 98199

Email: neighborhoodwarrior@gmail.com 206-769-8459

Thank you in advance for your time and attention to the processing of this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Campbell", with a long horizontal flourish extending to the right.

Elizabeth A. Campbell

Encl: 11x17 copy of petition
DVD with petition Word file

INITIATIVE PETITION FOR SUBMISSION TO THE SEATTLE CITY COUNCIL

To the City Council of The City of Seattle: We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an ordinance of the measure known as Initiative Measure No. entitled:

(reserved for ballot title of the measure)

Should this measure be enacted into law? Yes No

**** WARNING ****

Ordinance 94289 provides as follows: "Section 1. It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of The City of Seattle. Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

A full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance; and, if not enacted within forty-five (45) days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated.

Petitioner's Signature	Petitioner's Printed Name	Residence Address Street and Number (if any)	City	Date Signed
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FILED
CITY OF SEATTLE
18 NOV 20 PM 4:12
CITY CLERK

1 **"WARNING** Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or who signs this petition when he is not a legal voter, or who makes herein any false statement, shall be punished as provided by law.

COMPLETE TEXT OF CITY OF SEATTLE CITIZEN INITIATIVE PETITION NO. _____
BE IT ENACTED BY THE CITIZENS OF THE CITY OF SEATTLE:

Section 1. Chapter 5.53 of the Seattle Municipal Code, created by Ordinance 125324 shall be repealed in its entirety.

Section 2. Section 5.30.010 of the Seattle Municipal Code, last amended by Ordinance 125324, is amended as follows:

5.30.010 - Definition provisions

The definitions contained in this Chapter 5.30 shall apply to the following chapters of the Seattle Municipal Code: Chapters 5.32 (Amusement Devices), 5.35 (Commercial Parking Tax), 5.40 (Admission Tax), 5.45 (Business License Tax), 5.46 (Square Footage Tax), 5.48 (Business Tax—Utilities), 5.50 (Firearms and Ammunition Tax), 5.52 (Gambling Tax), ~~(5.53 (Sweetened Beverage Tax))~~ and 5.55 (General Administrative Provisions) unless expressly provided for otherwise therein, and shall also apply to other chapters and sections of the Seattle Municipal Code in the manner and to the extent expressly indicated in each chapter or section. Words in the singular number shall include the plural and the plural shall include the singular. Words in one gender shall include the other genders.

Section 3. Subsection 5.30.025.K of the Seattle Municipal Code, which section was last amended by Ordinance 125324, is amended as follows:
5.30.025 - Definitions, C—D

K. "Delivery" means the transfer of possession of tangible personal property between the seller and the buyer or the buyer's representative. Delivery to an employee of a buyer is considered delivery to the buyer. Transfer of possession of tangible personal property occurs when the buyer or the buyer's representative first takes physical control of the property or exercises dominion and control over the property. Dominion and control means the buyer has the ability to put the property to the buyer's own purposes. It means the buyer or the buyer's representative has made the final decision to accept or reject the property, and the seller has no further right to possession of the property and the buyer has no right to return the property to the seller, other than under a warranty contract. A buyer does not exercise dominion and control over tangible personal property merely by arranging for shipment of the property from the seller to itself. A buyer's representative is a person, other than an employee of the buyer, who is authorized in writing by the buyer to receive tangible personal property and take dominion and control by making the final decision to accept or reject the property. Neither a shipping company nor a seller can serve as a buyer's representative. It is immaterial where the contract of sale is negotiated or where the buyer obtains title to the property. Delivery terms and other provisions of the Uniform Commercial Code (Title 62A RCW) do not determine when or where delivery of tangible personal property for purposes of Seattle's business license tax ~~(or Seattle's sweetened beverage tax. For purposes of Chapter 5.53, the term "seller" as used in this subsection 5.30.025.K shall include any distributor and the term "buyer" as used in this subsection 5.30.025.K shall include any recipient who offers the delivered products for retail sale))~~.

Section 4. Subsection 5.30.060.C of the Seattle Municipal Code, which section was last amended by Ordinance 125324, is amended as follows:
5.30.060 - Definitions, T—Z

C. "Taxpayer" means any "person," as herein defined, required by Chapter 5.55 to have a business license tax certificate, or liable for any license, tax, or fee, or for the collection of any tax or fee, under Chapters 5.32 (Revenue Code), 5.35 (Commercial Parking Tax), 5.40 (Admission Tax), 5.45 (Business License Tax), 5.46 (Square Footage Tax), 5.48 (Business Tax—Utilities), 5.50 (Firearms and Ammunition Tax), and 5.52 (Gambling Tax), ~~(and 5.53 (Sweetened Beverage Tax))~~ or who engages in any business or who performs any act for which a tax or fee is imposed under those chapters.

Section 5. Subsection 5.55.010 of the Seattle Municipal Code, which section was last amended by Ordinance 125324, is amended as follows:

5.55.010 - Application of chapter stated

Unless expressly stated to the contrary in each chapter, the provisions of this Chapter 5.55 shall apply with respect to the licenses and taxes imposed under this Chapter 5.55 and Chapters 5.32 (Amusement Devices), 5.35 (Commercial Parking Tax), 5.37 (Employee Hours Taxes), 5.40 (Admission Tax), 5.45 (Business License Tax), 5.46 (Square Footage Tax), 5.48 (Business Tax—Utilities), 5.50 (Firearms and Ammunition Tax), and 5.52 (Gambling Tax) ~~(5.53 (Sweetened Beverage Tax))~~ and under other titles, chapters and sections in such manner and to such extent as indicated in each such title, chapter, or section.

Section 6. Subsection 5.55.040.A of the Seattle Municipal Code, which section was last amended by Ordinance 125324, is amended as follows:

5.55.040 - When due and payable—Reporting periods—Monthly, quarterly, and annual returns—Threshold provisions—Computing time periods—Failure to file returns

A. Other than any annual license fee or registration fee assessed under this Chapter 5.55, the tax imposed by Chapters 5.32 (Amusement Devices), 5.35 (Commercial Parking Tax), 5.40 (Admission Tax), 5.45 (Business License Tax), 5.46 (Square Footage Tax), 5.48 (Business Tax—Utilities), 5.50 (Firearms and Ammunition Tax), and 5.52 (Gambling Tax) ~~(5.53 (Sweetened Beverage Tax))~~ shall be due and payable in quarterly installments. The Director may use discretion to assign businesses to a monthly or annual reporting period depending on the tax amount owing or type of tax. Taxes imposed by subsections 5.52.030.A.2 and 5.52.030.B.2 for punchboards and pulltabs shall be due and payable in monthly installments. Tax returns and payments are due on or before the last day of the next month following the end of the assigned reporting period covered by the return.

Section 7. Subsection 5.55.060.A of the Seattle Municipal Code, which section was last amended by Ordinance 125324, is amended as follows:

5.55.060 - Records to be preserved—Examination—Inspection—Search warrants—Estoppel to question assessment

A. Every person liable for any fee or tax imposed by this Chapter 5.55 and Chapters 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, and 5.52 ~~(5.53)~~ shall keep and preserve, for a period of five years after filing a tax return, such records as may be necessary to determine the amount of any fee or tax for which the person may be liable; which records shall include copies of all federal income tax and state tax returns and reports made by the person. All books, records, papers, invoices, ticket stubs, vendor lists, gambling games, and payout information, inventories, stocks of merchandise, and other data, including federal income tax and state tax returns, and reports needed to determine the accuracy of any taxes due, shall be open for inspection or examination at any time by the Director or a duly authorized agent. Every person's business premises shall be open for inspection

or examination by the Director or a duly authorized agent. ~~(For the purposes of this Section 5.55.060, for the tax imposed by Chapter 5.53, "business premises" means wherever the person's business records and tax documents are maintained and does not mean every site owned or operated by the person.)~~

Section 8. Subsection 5.55.150.E of the Seattle Municipal Code, which section was last amended by Ordinance 125324, is amended as follows:

5.55.150 - Appeal to the Hearing Examiner

E. The Hearing Examiner shall ascertain the correct amount of the tax, fee, interest, or penalty due either by affirming, reversing, or modifying an action of the Director. Reversal or modification is proper if the Director's assessment or refund denial violates the terms of this Chapter 5.55, or Chapters 5.30, 5.32, 5.35, 5.37, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52 ~~(5.53)~~.

Section 9. Subsection 5.55.165 of the Seattle Municipal Code, which section was last amended by Ordinance 125324, is amended as follows:

5.55.165 - Director of Finance and Administrative Services to make rules

The Director of Finance and Administrative Services shall have the power and it shall be the Director's duty, from time to time, to adopt, publish and enforce rules and regulations not inconsistent with this Chapter 5.55, Chapters 5.30, 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52 ~~(5.53)~~ or with law for the purposes of carrying out the provisions of such chapters, and it shall be unlawful to violate or fail to comply with any such rule or regulation.

Section 10. Subsection 5.55.220.A and 5.55.220.B of the Seattle Municipal Code, which section was last amended by Ordinance 125324, are amended as follows:

5.55.220 - Unlawful actions—Violation—Penalties

A. It shall be unlawful for any person subject to the provisions of this Chapter 5.55 or Chapters 5.32, 5.35, 5.40, ~~(5.45)~~ 5.46, 5.48, 5.50, and 5.52 ~~(5.53)~~:

1. To violate or fail to comply with any of the provisions of this Chapter 5.55, or Chapters 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, and 5.52 ~~(5.53)~~, or any lawful rule or regulation adopted by the Director;
 2. To make or manufacture any license required by this Chapter 5.55 except upon authority of the Director;
 3. To make any false statement on any license, application, or tax return;
 4. To aid or abet any person in any attempt to evade payment of a license fee or tax;
 5. To refuse admission to the Director to inspect the premises and/or records as required by this Chapter 5.55, or to otherwise interfere with the Director in the performance of duties imposed by Chapters 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, and 5.52 ~~(5.53)~~;
 6. To fail to appear or testify in response to a subpoena issued pursuant to Section 3.02.120 in any proceeding to determine compliance with this Chapter 5.55 and Chapters 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, and 5.52 ~~(5.53)~~;
 7. To testify falsely in any investigation, audit, or proceeding conducted pursuant to this Chapter 5.55;
 8. To continue to engage in any business activity, profession, trade, or occupation after the revocation of or during a period of suspension of a business license tax certificate issued under Section 5.55.030; or
 9. In any manner, to hinder or delay the City or any of its officers in carrying out the provisions of this Chapter 5.55 or Chapters 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, and 5.52 ~~(5.53)~~.
- B. Each violation of or failure to comply with the provisions of this Chapter 5.55, or Chapters 5.32, 5.35, 5.37, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52 ~~(5.53)~~ shall constitute a separate offense. Except as provided in subsection 5.55.220.C, any person who commits an act defined in subsection 5.55.220.A is guilty of a gross misdemeanor, punishable in accordance with Section 12A.02.070. The provisions of Chapters 12A.02 and 12A.04 apply to the offenses defined in subsection 5.55.220.A of this section, except that liability is absolute and none of the mental states described in Section 12A.04.030 need be proved.

Section 11. Subsection 5.55.230 of the Seattle Municipal Code, which section was last amended by Ordinance 125324, is amended as follows:

5.55.230 - Denial, revocation of, or refusal to renew business license tax certificate

A. The Director, or the Director's designee, has the power and authority to deny, revoke, or refuse to renew any business license tax certificate or amusement device license issued under the provisions of this Chapter 5.55. The Director, or the Director's designee, shall notify such applicant or licensee in writing by mail in accordance with Section 5.55.180 of the denial, revocation of, or refusal to renew the license and on what grounds such a decision was based. The Director may deny, revoke, or refuse to renew any business license tax certificate or other license issued under this Chapter 5.55 on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact.
2. The licensee has failed to comply with any provisions of this Chapter 5.55.
3. The licensee has failed to comply with any provisions of Chapters 5.32, 5.35, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52 ~~(5.53)~~.
4. The licensee is in default in any payment of any license fee or tax under Title 5 or Title 6.

Section 12. Seattle Business Tax Rule 5-953 adopted on November 7, 2017 by the director of the Department of Finance and Administrative Services shall be repealed in its entirety.

Section 13. Council Bill 119376 amending Ordinance 125324 shall be repealed

Section 14. Nothing in this initiative prohibits the imposition and collection of a local retail sales and use tax pursuant to RCW 82.14.030 on those persons taxable by the state under RCW chapters 82.08 and 82.12.

Section 15. Effective Date. Consistent with the requirements of the Seattle City Charter Article IV Section (1)(F) the ordinance adopted by the people will take effect and be in force from and after proclamation by the Mayor, which shall be made, and published in the City of Seattle's official newspaper, within five (5) days after certification of the ordinance and after the next succeeding City of Seattle budget shall take effect, which is after December 2, 2020.

Section 16. If any provision of this initiative or its application to any person or circumstance is held invalid, the remainder of the initiative or the application of the provision to other persons or circumstances is not affected. If any provision of this initiative or its application to any person or circumstance is held unconstitutional or unlawful, this initiative shall be construed liberally to effectuate the intent, policy, and purposes of this initiative for the elimination of the excise tax authorized by Ordinance 125324. The people of the city of Seattle hereby declare that they would have adopted this initiative and each and every portion, section, subsection, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this chapter, or application thereof, would be subsequently declared invalid.



PLEASE RETURN PETITION AS SOON AS POSSIBLE TO:

SAFE AND AFFORDABLE SEATTLE

3213 W Wheeler Street #271

Seattle, WA 98199

Email: info@safelandaffordableseattle.org

Phone: 206-283-6300

Facebook: www.facebook.com/SafeSeattle/

Web: nosugartax.com

Twitter: [@safeseattlebuzz](https://twitter.com/safeseattlebuzz)

Call or Write for additional blank petitions or to have filed petitions picked up.

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