

Ordinance No. 123011

Council Bill No. 116526

AN ORDINANCE relating to regulation of solicitation of campaign contributions; amending section 2.04.010 and adding a new section 2.04.380.

Related Legislation File:

Date Introduced and Referred: <u>5-26-09</u>	To: (committee): Planning, Land Use & Neighborhoods (PLUNC)
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>6-15-09</u>	Date Presented to Mayor: <u>6-16-09</u>
Date Signed by Mayor: <u>6-22-09</u>	Date Returned to City Clerk: <u>6-24-09</u>
Published by Title Only	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/> <u>10</u>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

### The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: ~~Tom~~

#### Committee Action:

Date	Recommendation	Vote
<u>6/10/09</u>	<u>APPROVE</u>	<u>2-0</u>
	<u>AS AMENDED @ SCIB</u>	

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

#### Full Council Action:

Date	Decision	Vote
<u>6/15/09</u>	<u>Pass</u>	<u>6-2</u>
		<u>(TR excused, BM no)</u>
		<u>RM no</u>

*Law Department*

ORDINANCE 123011

AN ORDINANCE relating to regulation of solicitation of campaign contributions; amending section 2.04.010 and adding a new section 2.04.380.

WHEREAS, the City of Seattle regulates and enforces the disclosure of financial activity related to political committees as prescribed in the City's Elections Campaign Code; and

WHEREAS, the City Council strongly believes in the constitutionally protected right of individuals to freely engage in political expression and activity; and

WHEREAS, the City Council is committed to preventing public employees from being pressured or coerced into making financial contributions to political candidates or ballot measures under real or perceived threats of retaliation; and

WHEREAS, the State of Washington already prohibits City officials from soliciting political campaign contributions from employees in the official's agency as stated in RCW 42.17.750; and

WHEREAS, inclusion of this provision in the City's Elections Campaign Code will directly enable the Seattle Ethics and Elections Commission to enforce employee solicitation violations; NOW, THEREFORE,

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

Section 1. A new section 2.04.380 is added as follows:

1. Solicitation of contributions by Elected officials, candidates or their agents.

(1) No elected official, candidate, or an official's or candidate's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from a City employee or any member of a City board or commission.

2. This section shall not prohibit an Elected Official or a candidate from soliciting contributions from City employees if any of the following conditions apply, and the solicitation does not otherwise violate the provisions of this chapter:



1 a. the solicitation is part of a general solicitation made to a significant segment of the  
2 public which may include, but does not target, City employees;

3 b. the solicitation is part of a general solicitation made at a gathering that may include,  
4 but does not target, City employees;

5 c. the solicitation is made to a City employee who, subsequent to the effective date of this  
6 ordinance, makes an unsolicited contribution to the elected official or candidate for  
7 public office, political party, or political committee making the solicitation;

8 d. the solicitation is made to a City employee who expressly requests to be added to a  
9 mailing list from the elected official or candidate for public office, political party, or  
10 political committee; and  
11

12 e. any other similar circumstance as may be prescribed by rule by the Ethics and  
13 Elections Commission pursuant to 3.70.100.  
14

15 3. Nothing in this section prohibits a City employee from making a contribution to an elected  
16 Official or candidate, and nothing in this section prohibits an elected Official or candidate from  
17 accepting a contribution from a City employee.

18 Section 2. A new section 2.04.385 is added as follows:

19 No supervisor employed by the City may solicit a contribution to a candidate for public  
20 office, political party, or political committee from any person whom he or she supervises.  
21

22 Section 3. Section 2.04.010, which was last amended by Ordinance 120831, is amended  
23 as follows:

24 2.04.010 Definitions.  
25  
26  
27  
28



1 ((1-)) "Administrative Code" means the Administrative Code of the City, Ordinance 102228, as  
2 amended.

3 ((2-)) "Administrator" means the Executive Director of the Ethics and Elections Commission of  
4 the City.

5 ((3-)) "Agency" means all offices, boards, departments, divisions, commissions and similar  
6 subdivisions of the City.

7 ((4-)) "Ballot proposition" means any measure, question, initiative, referendum, recall, or  
8 Charter amendment submitted to, or proposed for submission to, the voters of the City.

9 ((5-)) "Campaign depository" means a bank designated by a candidate or political committee  
10 pursuant to Section 2.04.170.

11 ((6-)) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed  
12 by a candidate or political committee, pursuant to Section 2.04.170 to perform the duties  
13 specified in this chapter.  
14

15 ((7- "Election cycle" means (a) in the case of a City general election, except as provided in  
16 subsection 7(b) below, that period that begins on the first day of May during the year following  
17 the previous general election for the office the candidate is seeking and ends on the thirtieth day  
18 of April of the year following the general election for the office the candidate is seeking; or (b) in  
19 the case of an election to fill an unexpired term, "election cycle" means the period beginning on  
20 the earlier of the day the vacancy or the day the impending vacancy is publicly announced and  
21 ending five (5) months after the election.))  
22  
23  
24  
25  
26  
27  
28



1 ((8-)) "Candidate" means any individual who seeks election to the office of Mayor, member of  
2 the City Council, or City Attorney of the City, whether or not successfully. An individual shall  
3 be deemed to seek election when he or she first:

- 4 a. Solicits or receives contributions; or  
5 b. Makes expenditures or reserves space or facilities with intent to promote his or her candidacy  
6 for office; or  
7 c. Announces publicly or files for office; or  
8 d. Purchases commercial advertising space or broadcast time to promote his or her candidacy; or  
9 e. Makes expenditures or solicits or receives contributions to explore the possibility of seeking  
10 election to City office; or  
11 f. Gives his or her consent to another person to take on behalf of the individual any of the  
12 actions in subsections 8a or 8b, 8d or 8e of this section.  
13  
14

15 ((9-)) "Charter" means the Charter of The City of Seattle.

16 ((10-)) "City" means The City of Seattle.

17 ((11-)) "Commercial advertiser" means any person who sells the service of communicating  
18 messages or producing printed material for broadcast or distribution to the general public or  
19 segments of the general public, whether through the use of newspapers, magazines, television or  
20 radio stations, billboard companies, direct mail advertising companies, printing companies, or  
21 otherwise.  
22

23 ((12-)) "Continuing political committee" means a political committee which is an organization of  
24 continuing existence not established in anticipation of any particular election.  
25  
26  
27  
28



1 ((13.)) "Contribution" means a loan, loan guarantee, gift, deposit, subscription, forgiveness of  
2 indebtedness, donation, advance, pledge, payment, transfer of funds between political  
3 committees, or transfer of anything of value, including personal and professional services, for  
4 less than full consideration, but does not include (a) interest on moneys deposited in a political  
5 committee's account; (b) ordinary home hospitality; (c) the rendering of legal or accounting  
6 services on behalf of a candidate or an authorized political committee but only to the extent that  
7 the services are for the purpose of ensuring compliance with City, county or state election or  
8 public disclosure laws; (d) the rendering of personal services of the sort commonly performed by  
9 volunteer campaign workers; (e) incidental expenses personally incurred by campaign workers  
10 not in excess of Twenty-five Dollars (\$25), in the aggregate, during the applicable period,  
11 personally paid for by a volunteer campaign worker; or (f) an internal political communication  
12 primarily limited to the members of a political party organization or political committee, or to the  
13 officers, management staff, or stockholders of a corporation or similar enterprise, or to the  
14 members of a labor organization or other membership organization. For purposes of this  
15 definition, members are those who (i) regularly pay dues in exchange for benefits from the  
16 organization, or (ii) are able to vote, directly or indirectly, for at least one (1) member of the  
17 organization's governing board, or (iii) adhere to a code of conduct, the violation of which may  
18 subject the members to sanctions that could adversely affect their livelihood, or (iv) participate in  
19 the organization's policy-formulating committees. For the purposes of this chapter, contributions  
20 other than money or its equivalents shall be deemed to have a money value equivalent to the fair  
21 market value of the contribution. Sums paid for tickets to fundraising events such as dinners and  
22 parties are contributions; however, the amount of any such contribution may be reduced for the  
23  
24  
25  
26  
27  
28



1 purpose of complying with the reporting requirements of this chapter by the actual cost of  
2 consumables furnished in connection with the purchase of such tickets, and only the excess over  
3 actual cost of such consumables shall be deemed a contribution. Without limiting the foregoing,  
4 the financing by a person of the dissemination, distribution, or publication, in whole or in part, of  
5 broadcast, written graphic, or other form of political advertising prepared or approved by a  
6 candidate, a political committee, or the authorized agent of a candidate or political committee is  
7 a contribution to the candidate or political committee.  
8

9 ((14.)) "Elected Official" means any person elected at a general or special election to the office  
10 of Mayor, member of the City Council, or City Attorney of the City and any person appointed to  
11 fill a vacancy in any such office.

12 ((15.)) "Election" includes any primary, general, or special election for public office by the City  
13 or any election in which a ballot proposition is submitted to the voters of the City; provided, that  
14 an election in which the qualifications for voting include requirements other than those set forth  
15 in Article VI, Section 1 (Amendment 63) of the Constitution of the state shall not be considered  
16 an election for purposes of this chapter,  
17

18 ((16.)) "Election campaign" means any campaign in support of or in opposition to a candidate  
19 for election to public office of the City and any campaign in support of or in opposition to a  
20 ballot proposition.  
21

22 "Election cycle" means (a) in the case of a City general election, except as provided in  
23 subsection 7(b) below, that period that begins on the first day of May during the year following  
24 the previous general election for the office the candidate is seeking and ends on the thirtieth day  
25 of April of the year following the general election for the office the candidate is seeking; or (b) in  
26



1 the case of an election to fill an unexpired term, "election cycle" means the period beginning on  
2 the earlier of the day the vacancy or the day the impending vacancy is publicly announced and  
3 ending five (5) months after the election.

4 ((17.)) "Expenditure" means a payment, contribution, subscription, distribution, loan, advance,  
5 deposit, or gift of money or anything of value, and includes a contract, promise, or agreement,  
6 whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a  
7 promise to pay; and a payment or transfer of anything of value in exchange for goods, services,  
8 property, facilities, or anything of value for the purpose of assisting, benefiting or honoring any  
9 public official or candidate, or assisting in furthering or opposing any election campaign. For  
10 purposes of this chapter, expenditures other than money or its equivalent shall be deemed to have  
11 a monetary value equal to the fair market value of the expenditure. "Expenditure" shall not  
12 include: (a) the partial or complete repayment by a candidate or political committee of the  
13 principal of a loan, the receipt of which loan has been properly reported, or (b) the value of in-  
14 kind labor, or (c) fines or any amounts returned to the election campaign account as a result of  
15 any penalties imposed on a candidate for violating this chapter.  
16

17  
18 ((18.)) "Fair Campaign Practices Commission (FCPC)" means the Seattle Ethics and Elections  
19 Commission established by Section 3.70.010.  
20

21 ((19.)) "Final report" means the report described as a final report in Section 2.04.250.

22 ((20.)) "In-kind labor" means services provided by a person who volunteers all, or a portion, of  
23 his/her time to a candidate's election campaign, and who is not paid by any person for such  
24 services.  
25  
26  
27  
28



1 ((21.)) "Independent expenditure" means expenditure on behalf of, or opposing the election of,  
2 any candidate, or any City ballot proposition, when such expenditure is made independently of  
3 the candidate, his/her political committee, or agent, or of any ballot proposition committee or its  
4 officers or agents, and when such expenditure is made without the prior consent, or the collusion,  
5 or the cooperation, of the candidate or his/her agent or political committee, or the ballot  
6 proposition committee or its officers or agents, and when such expenditure is not a contribution  
7 as defined in SMC Section 2.04.010(13). An independent expenditure is made by a person on the  
8 earliest of the following events: (a) the person agrees with a vendor or provider of services to  
9 make an independent expenditure; or (b) the person incurs the obligation to make an independent  
10 expenditure; or (c) the person pays for an independent expenditure.  
11

12 "Knowledge." A person knows or acts knowingly or with knowledge when:

13 (i) the person is aware of a fact, facts, or circumstances or result described by an offense in  
14 this title; or

15 (ii) he or she has information that would lead a reasonable person to believe that facts exist,  
16 which facts are described by an ordinance defining offense violation of this title.  
17

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

23 ((23.)) "Political advertising" means any advertising displays, newspaper ads, billboards, signs,  
24 brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of  
25  
26  
27  
28



1 mass communication, used for the purpose of appealing, directly or indirectly, for votes or for  
2 financial or other support in any election campaign.

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

6 ((25.)) "Public Disclosure Commission (PDC)" means the Public Disclosure Commission  
7 established by RCW 42.17.350.

8 ((26.)) "Public office" means any elective office of the City.

9 ((27.)) As used in this chapter, the singular shall include the plural and conversely, and any  
10 gender, any other, as the context requires.

11 ((28.)) "Commission" means the Seattle Ethics and Elections Commission established by  
12 Section 3.70.010.

13 ((29.)) "Officer of a political committee" means the following persons: the treasurer, any person  
14 designated by the committee as an officer on the statement of organization filed with the City  
15 Clerk, and any person who alone or in conjunction with other persons makes contribution,  
16 expenditure, strategic or policy decisions on behalf of the committee.

17 ((30.)) "Applicable period" means the following periods: (a) for a candidate or a candidate's  
18 authorized political committee, the election cycle; (b) for a ballot proposition political  
19 committee, from the time the campaign activity begins until the end of the period covered by the  
20 final report; and (c) for a continuing political committee, a single calendar year.

21 ((31.)) "Sponsor" as used in subsection 2.04.290B means the candidate, political committee or  
22 person paying for the political advertising. If a person acts as an agent for another or is  
23



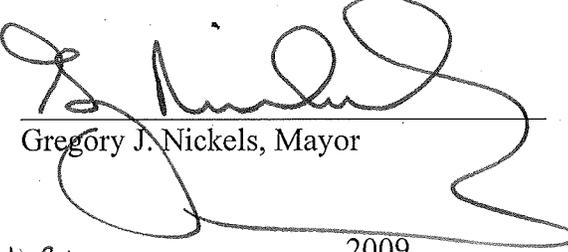
1 reimbursed by another for the payment, the agent's principal or the source of the reimbursement  
2 is the sponsor.

3 Section 3. This ordinance shall take effect and be in force 30 days from and after its  
4 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
5 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the 15<sup>th</sup> day of June, 2009, and  
7 signed by me in open session in authentication of its passage this  
8 15<sup>th</sup> day of June, 2009.

10  
11  
12   
President \_\_\_\_\_ of the City Council

13  
14 Approved by me this 24<sup>th</sup> day of June, 2009.

15  
16   
17 Gregory J. Nickels, Mayor

18 Filed by me this 24<sup>th</sup> day of June, 2009.

19  
20  
21 Carol Shent  
22 Acting City Clerk

23 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Mike Fong/5-1675	N/A

**Legislation Title:** AN ORDINANCE relating to regulation of solicitation of campaign contributions; amending section 2.04.010 and adding a new section 2.04.380.

• **Summary of the Legislation:**

This legislation adopts language similar to section 1 of RCW 42.17.750 as part of the Seattle Elections Campaign Code. The provision addresses solicitation of political contributions by elected officials and candidates from public employees. Inclusion of this provision in the City's Elections Campaign Code will directly enable the Seattle Ethics and Elections Commission to enforce employee solicitation violations.

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

The City of Seattle regulates and enforces the disclosure of financial activity related to political committees as prescribed in the City's Elections Campaign Code. The City Council is committed to preventing public employees from being pressured or coerced into making financial contributions to political candidates or ballot measures under real or perceived threats of retaliation. This ordinance prohibits elected officials, candidates and their agents from knowingly directly or indirectly soliciting City employees or members of City boards or commissions for political contributions. The ordinance also prohibits anyone with supervisory authority in the City of Seattle from soliciting political contributions from anyone that they supervise. The ordinance identifies the following conditions as conditions where campaign solicitation of public employees may be permitted:

- 1) the solicitation is part of a solicitation made to a significant segment of the public which may include, but does not target, City employees;
- 2) the solicitation is made at a gathering that may include, but does not target, City employees;
- 3) the solicitation is made to a City employee that, subsequent to the effective date of this ordinance, makes an unsolicited contribution to the elected official or candidate for public office, political party, or political committee making the solicitation;
- 4) the solicitation is made to a City employee that expressly requests to be added to a mailing list from the elected official or candidate for public office, political party, or political committee; and
- 5) any other similar circumstance as may be prescribed by rule by the Ethics and Elections Commission pursuant to 3.70.100.

• *Please check one of the following:*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*



---

**STATE OF WASHINGTON – KING COUNTY**

--SS.

---

240881  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

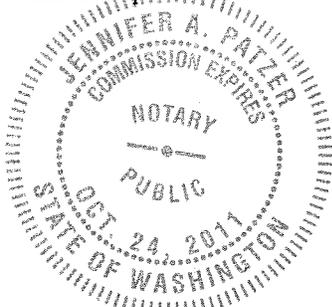
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 123011 CAMPAIGN

was published on

06/29/09

The amount of the fee charged for the foregoing publication is the sum of \$ 551.85, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

06/29/09

Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 123011

AN ORDINANCE relating to regulation of solicitation of campaign contributions; amending section 2.04.010 and adding a new section 2.04.380.

WHEREAS, the City of Seattle regulates and enforces the disclosure of financial activity related to political committees as prescribed in the City's Elections Campaign Code; and

WHEREAS, the City Council strongly believes in the constitutionally protected right of individuals to freely engage in political expression and activity; and

WHEREAS, the City Council is committed to preventing public employees from being pressured or coerced into making financial contributions to political candidates or ballot measures under real or perceived threats of retaliation; and

WHEREAS, the State of Washington already prohibits City officials from soliciting political campaign contributions from employees in the official's agency as stated in RCW 42.17.750; and

WHEREAS, inclusion of this provision in the City's Elections Campaign Code will directly enable the Seattle Ethics and Elections Commission to enforce employee solicitation violations; NOW, THEREFORE,

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

Section 1. A new section 2.04.380 is added as follows:

1. Solicitation of contributions by Elected officials, candidates or their agents.

(1) No elected official, candidate, or an official's or candidate's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from a City employee or any member of a City board or commission.

2. This section shall not prohibit an Elected Official or a candidate from soliciting contributions from City employees if any of the following conditions apply, and the solicitation does not otherwise violate the provisions of this chapter:

a. the solicitation is part of a general solicitation made to a significant segment of the public which may include, but does not target, City employees;

b. the solicitation is part of a general solicitation made at a gathering that may include, but does not target, City employees;

c. the solicitation is made to a City employee who, subsequent to the effective date of this ordinance, makes an unsolicited contribution to the elected official or candidate for public office, political party, or political committee making the solicitation;

d. the solicitation is made to a City employee who expressly requests to be added to a mailing list from the elected official or candidate for public office, political party, or political committee; and

e. any other similar circumstance as may be prescribed by rule by the Ethics and Elections Commission pursuant to 3.70.100.

3. Nothing in this section prohibits a City employee from making a contribution to an elected Official or candidate, and nothing in this section prohibits an elected Official or candidate from accepting a contribution from a City employee.

Section 2. A new section 2.04.385 is added as follows:

No supervisor employed by the City may solicit a contribution to a candidate for public office, political party, or political committee from any person whom he or she supervises.

Section 3. Section 2.04.010, which was last amended by Ordinance 120831, is amended as follows:

#### 2.04.010 Definitions.

(1-) "Administrative Code" means the Administrative Code of the City, Ordinance 102228, as amended.

(2-) "Administrator" means the Executive Director of the Ethics and Elections Commission of the City.

(3-) "Agency" means all offices, boards, departments, divisions, commissions and similar subdivisions of the City.

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

## State of Washington, King County

(5-) "Campaign depository" means a bank designated by a candidate or political committee pursuant to Section 2.04.170.

(6-) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to Section 2.04.170 to perform the duties specified in this chapter.

(7-) "Election cycle" means (a) in the case of a City general election, except as provided in subsection 7(b) below, that period that begins on the first day of May during the year following the previous general election for the office the candidate is seeking and ends on the thirtieth day of April of the year following the general election for the office the candidate is seeking; or (b) in the case of an election to fill an unexpired term, "election cycle" means the period beginning on the earlier of the day the vacancy or the day the impending vacancy is publicly announced and ending five (5) months after the election;)

(8-) "Candidate" means any individual who seeks election to the office of Mayor, member of the City Council, or City Attorney of the City, whether or not successfully. An individual shall be deemed to seek election when he or she first:

a. Solicits or receives contributions; or

b. Makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; or

c. Announces publicly or files for office; or

d. Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

e. Makes expenditures or solicits or receives contributions to explore the possibility of seeking election to City office; or

f. Gives his or her consent to another person to take on behalf of the individual any of the actions in subsections 8a or 8b, 8d or 8e of this section.

(9-) "Charter" means the Charter of the City of Seattle.

(10-) "City" means The City of Seattle.

(11-) "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.

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

(13-) "Contribution" means a loan, loan guarantee, 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 (a) interest on moneys deposited in a political committee's account; (b) ordinary home hospitality; (c) the rendering of legal or accounting services on behalf of a candidate or an authorized political committee but only to the extent that the services are for the purpose of ensuring compliance with City, county or state election or public disclosure laws; (d) the rendering of personal services of the sort commonly performed by volunteer campaign workers; (e) incidental expenses personally incurred by campaign workers not in excess of Twenty-five Dollars (\$25), in the aggregate, during the applicable period, personally paid for by a volunteer campaign worker; or (f) an internal political communication primarily limited to the members of a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization. For purposes of this definition, members are those who (i) regularly pay dues in exchange for benefits from the organization, or (ii) are able to vote, directly or indirectly, for at least one (1) member of the organization's governing board, or (iii) adhere to a code of conduct, the violation of which may subject the members to sanctions that could adversely affect their livelihood, or (iv) participate in the organization's policy-formulating committees. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fundraising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter 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. Without limiting the foregoing, the financing by a person of the dissemination, distribution, or publication, in whole or in part, of broadcast, written graphic, or other form of political advertising prepared or approved by a candidate, a political committee, or the authorized agent of a candidate or political committee is a contribution to the candidate or political committee.

(14-) "Elected Official" means any person elected at a general or special election to the office of Mayor, member of the City Council, or City Attorney of the City and any person appointed to fill a vacancy in any such office.

(15-) "Election" includes any primary, general, or special election for public office by the City or 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 63) of the Constitution of the state shall not be considered an election for purposes of this chapter.

(16-) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office of the City and any campaign in support of or in opposition to a ballot proposition.

"Election cycle" means (a) in the case of a City general election, except as provided in subsection 7(b) below, that period that begins on the first day of May during the year following the previous general election for the office the candidate is seeking and ends on the thirtieth day of April of the year following the general election for the office the candidate is seeking; or (b) in the case of an election to fill an unexpired term, "election cycle" means the period beginning on the earlier of the day the vacancy or the day the impending vacancy is publicly announced and ending five (5) months after the election.

(17-) "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. "Expenditure" also includes a promise to pay; and a payment or 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. For purposes of this chapter, expenditures other than money or its equivalent shall be deemed to have a monetary value equal to the fair market value of the expenditure. "Expenditure" shall not include: (a) 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 (b) the value of in-kind labor, or (c) fines or any amounts returned to the election campaign account as a result of any penalties imposed on a candidate for violating this chapter.

(18-) "Fair Campaign Practices Commission (FCPC)" means the Seattle Ethics and Elections Commission established by Section 3.70.010.

(19-) "Final report" means the report described as a final report in Section 2.04.250.

(20-) "In-kind labor" means services provided by a person who volunteers all, or a portion, of his/her time to a candidate's election campaign, and who is not paid by any person for such services.

(21-) "Independent expenditure" means expenditure on behalf of, or opposing the election of, any candidate, or any City ballot proposition, when such expenditure is made independently of the candidate, his/her political committee, or agent, or of any ballot proposition committee or its officers or agents, and when such expenditure is made without the prior consent, or the collusion, or the cooperation, of the candidate or his/her agent or political committee, or the ballot proposition committee or its officers or agents, and when such expenditure is not a contribution as defined in SMC Section 2.04.010(13). An independent expenditure is made by a person on the earliest of the following events: (a) the person agrees with a vendor or provider of services to make an independent expenditure; or (b) the person incurs the obligation to make an independent expenditure; or (c) the person pays for an independent expenditure.

"Knowledge." A person knows or acts knowingly or with knowledge when:

(i) the person is aware of a fact, facts, or circumstances or result described by an offense in this title; or

(ii) he or she has information that would lead a reasonable person to believe that facts exist, which facts are described by an ordinance defining offense violation of this title.

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

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

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

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

((26.)) "Public office" means any elective office of the City.

((27.)) As used in this chapter, the singular shall include the plural and conversely, and any gender, any other, as the context requires.

((28.)) "Commission" means the Seattle Ethics and Elections Commission established by Section 3.70.010.

((29.)) "Officer of a political committee" means the following persons: the treasurer, any person designated by the committee as an officer on the statement of organization filed with the City Clerk, and any person who alone or in conjunction with other persons makes contribution, expenditure, strategic or policy decisions on behalf of the committee.

((30.)) "Applicable period" means the following periods: (a) for a candidate or a candidate's authorized political committee, the election cycle; (b) for a ballot proposition political committee, from the time the campaign activity begins until the end of the period covered by the final report; and (c) for a continuing political committee, a single calendar year.

((31.)) "Sponsor" as used in subsection 2.04.290B means the candidate, political committee or person paying for the political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the agent's principal or the source of the reimbursement is the sponsor.

Section 3. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 15th day of June, 2009, and signed by me in open session in authentication of its passage this

15th day of June, 2009.

RICHARD CONLIN,

President of the City Council

Approved by me this 22nd day of June, 2009.

GREGORY J. NICKELS,

Mayor

Filed by me this 24th day of June, 2009.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN,  
City Clerk.

Date of publication in the Seattle Daily  
Journal of Commerce, June 29, 2009.

6/29(240881)



1 a. the solicitation is part of a solicitation made to a significant segment of the public  
2 which may include, but does not target, City employees;

3 b. the solicitation is made at a gathering that may include, but does not target, City  
4 employees;

5 c. the solicitation is made to a City employee that, subsequent to the effective date of this  
6 ordinance, makes an unsolicited contribution to the elected official or candidate for  
7 public office, political party, or political committee making the solicitation;

8 d. the solicitation is made to a City employee that expressly requests to be added to a  
9 mailing list from the elected official or candidate for public office, political party, or  
10 political committee; and  
11

12 e. any other similar circumstance as may be prescribed by rule by the Ethics and  
13 Elections Commission pursuant to 3.70.100.  
14

15 3. Nothing in this section prohibits a City employee from making a contribution to an elected  
16 official or candidate, and nothing in this section prohibits an elected official or candidate from  
17 accepting a contribution from a City employee.

18 Section 2. A new section 2.04.385 is added as follows:

19 No supervisor employed by the City may solicit a contribution to a candidate for public  
20 office, political party, or political committee from any person whom he or she supervises.  
21

22 Section 3. Section 2.04.010, which was last amended by Ordinance 120831, is amended  
23 as follows:

24 2.04.010 Definitions.  
25  
26  
27  
28



1 ((1.)) "Administrative Code" means the Administrative Code of the City, Ordinance 102228, as  
2 amended.

3 ((2.)) "Administrator" means the Executive Director of the Ethics and Elections Commission of  
4 the City.

5 ((3.)) "Agency" means all offices, boards, departments, divisions, commissions and similar  
6 subdivisions of the City.

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

9 ((5.)) "Campaign depository" means a bank designated by a candidate or political committee  
10 pursuant to Section 2.04.170.

11 ((6.)) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed  
12 by a candidate or political committee, pursuant to Section 2.04.170 to perform the duties  
13 specified in this chapter.

14 ((7. "Election cycle" means (a) in the case of a City general election, except as provided in  
15 subsection 7(b) below, that period that begins on the first day of May during the year following  
16 the previous general election for the office the candidate is seeking and ends on the thirtieth day  
17 of April of the year following the general election for the office the candidate is seeking; or (b) in  
18 the case of an election to fill an unexpired term, "election cycle" means the period beginning on  
19 the earlier of the day the vacancy or the day the impending vacancy is publicly announced and  
20 ending five (5) months after the election.))



1 ((8.)) "Candidate" means any individual who seeks election to the office of Mayor, member of  
2 the City Council, or City Attorney of the City, whether or not successfully. An individual shall  
3 be deemed to seek election when he or she first:

4 a. Solicits or receives contributions; or

5 b. Makes expenditures or reserves space or facilities with intent to promote his or her candidacy  
6 for office; or

7 c. Announces publicly or files for office; or

8 d. Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

9 e. Makes expenditures or solicits or receives contributions to explore the possibility of seeking  
10 election to City office; or

11 f. Gives his or her consent to another person to take on behalf of the individual any of the  
12 actions in subsections 8a or 8b, 8d or 8e of this section.

13 ((9.)) "Charter" means the Charter of The City of Seattle.

14 ((10.)) "City" means The City of Seattle.

15 ((11.)) "Commercial advertiser" means any person who sells the service of communicating  
16 messages or producing printed material for broadcast or distribution to the general public or  
17 segments of the general public, whether through the use of newspapers, magazines, television or  
18 radio stations, billboard companies, direct mail advertising companies, printing companies, or  
19 otherwise.

20 ((12.)) "Continuing political committee" means a political committee which is an organization of  
21 continuing existence not established in anticipation of any particular election.  
22



1 ~~((13-))~~ "Contribution" means a loan, loan guarantee, gift, deposit, subscription, forgiveness of  
2 indebtedness, donation, advance, pledge, payment, transfer of funds between political  
3 committees, or transfer of anything of value, including personal and professional services, for  
4 less than full consideration, but does not include (a) interest on moneys deposited in a political  
5 committee's account; (b) ordinary home hospitality; (c) the rendering of legal or accounting  
6 services on behalf of a candidate or an authorized political committee but only to the extent that  
7 the services are for the purpose of ensuring compliance with City, county or state election or  
8 public disclosure laws; (d) the rendering of personal services of the sort commonly performed by  
9 volunteer campaign workers; (e) incidental expenses personally incurred by campaign workers  
10 not in excess of Twenty-five Dollars (\$25), in the aggregate, during the applicable period,  
11 personally paid for by a volunteer campaign worker; or (f) an internal political communication  
12 primarily limited to the members of a political party organization or political committee, or to the  
13 officers, management staff, or stockholders of a corporation or similar enterprise, or to the  
14 members of a labor organization or other membership organization. For purposes of this  
15 definition, members are those who (i) regularly pay dues in exchange for benefits from the  
16 organization, or (ii) are able to vote, directly or indirectly, for at least one (1) member of the  
17 organization's governing board, or (iii) adhere to a code of conduct, the violation of which may  
18 subject the members to sanctions that could adversely affect their livelihood, or (iv) participate in  
19 the organization's policy-formulating committees. For the purposes of this chapter, contributions  
20 other than money or its equivalents shall be deemed to have a money value equivalent to the fair  
21 market value of the contribution. Sums paid for tickets to fundraising events such as dinners and  
22 parties are contributions; however, the amount of any such contribution may be reduced for the  
23  
24  
25  
26  
27  
28



1 purpose of complying with the reporting requirements of this chapter by the actual cost of  
2 consumables furnished in connection with the purchase of such tickets, and only the excess over  
3 actual cost of such consumables shall be deemed a contribution. Without limiting the foregoing,  
4 the financing by a person of the dissemination, distribution, or publication, in whole or in part, of  
5 broadcast, written graphic, or other form of political advertising prepared or approved by a  
6 candidate, a political committee, or the authorized agent of a candidate or political committee is  
7 a contribution to the candidate or political committee.  
8

9 ((14.)) "Elected Official" means any person elected at a general or special election to the office  
10 of Mayor, member of the City Council, or City Attorney of the City and any person appointed to  
11 fill a vacancy in any such office.  
12

13 ((15.)) "Election" includes any primary, general, or special election for public office by the City  
14 or any election in which a ballot proposition is submitted to the voters of the City; provided, that  
15 an election in which the qualifications for voting include requirements other than those set forth  
16 in Article VI, Section 1 (Amendment 63) of the Constitution of the state shall not be considered  
17 an election for purposes of this chapter,  
18

19 ((16.)) "Election campaign" means any campaign in support of or in opposition to a candidate  
20 for election to public office of the City and any campaign in support of or in opposition to a  
21 ballot proposition.  
22

23 "Election cycle" means (a) in the case of a City general election, except as provided in  
24 subsection 7(b) below, that period that begins on the first day of May during the year following  
25 the previous general election for the office the candidate is seeking and ends on the thirtieth day  
26 of April of the year following the general election for the office the candidate is seeking; or (b) in  
27



1 the case of an election to fill an unexpired term, "election cycle" means the period beginning on  
2 the earlier of the day the vacancy or the day the impending vacancy is publicly announced and  
3 ending five (5) months after the election.

4 ((17.)) "Expenditure" means a payment, contribution, subscription, distribution, loan, advance,  
5 deposit, or gift of money or anything of value, and includes a contract, promise, or agreement,  
6 whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a  
7 promise to pay; and a payment or transfer of anything of value in exchange for goods, services,  
8 property, facilities, or anything of value for the purpose of assisting, benefiting or honoring any  
9 public official or candidate, or assisting in furthering or opposing any election campaign. For  
10 purposes of this chapter, expenditures other than money or its equivalent shall be deemed to have  
11 a monetary value equal to the fair market value of the expenditure. "Expenditure" shall not  
12 include: (a) the partial or complete repayment by a candidate or political committee of the  
13 principal of a loan, the receipt of which loan has been properly reported, or (b) the value of in-  
14 kind labor, or (c) fines or any amounts returned to the election campaign account as a result of  
15 any penalties imposed on a candidate for violating this chapter.

16  
17  
18 ((18.)) "Fair Campaign Practices Commission (FCPC)" means the Seattle Ethics and Elections  
19 Commission established by Section 3.70.010.

20  
21 ((19.)) "Final report" means the report described as a final report in Section 2.04.250.

22 ((20.)) "In-kind labor" means services provided by a person who volunteers all, or a portion, of  
23 his/her time to a candidate's election campaign, and who is not paid by any person for such  
24 services.



1 ((21-)) "Independent expenditure" means expenditure on behalf of, or opposing the election of,  
2 any candidate, or any City ballot proposition, when such expenditure is made independently of  
3 the candidate, his/her political committee, or agent, or of any ballot proposition committee or its  
4 officers or agents, and when such expenditure is made without the prior consent, or the collusion,  
5 or the cooperation, of the candidate or his/her agent or political committee, or the ballot  
6 proposition committee or its officers or agents, and when such expenditure is not a contribution  
7 as defined in SMC Section 2.04.010(13). An independent expenditure is made by a person on the  
8 earliest of the following events: (a) the person agrees with a vendor or provider of services to  
9 make an independent expenditure; or (b) the person incurs the obligation to make an independent  
10 expenditure; or (c) the person pays for an independent expenditure.  
11

12 "Knowledge." A person knows or acts knowingly or with knowledge when:

13 (i) the person is aware of a fact, facts, or circumstances or result described by an offense in  
14 this title; or

15 (ii) he or she has information that would lead a reasonable person to believe that facts exist,  
16 which facts are described by an ordinance defining offense violation of this title.  
17

18 ((22-)) "Person" means an individual, partnership, joint venture, public or private corporation,  
19 association, federal, state or local government entity or agency however constituted, candidate,  
20 committee, political committee, continuing political committee, political party, executive  
21 committee thereof, or any other organization or group of persons, however organized.  
22

23 ((23-)) "Political advertising" means any advertising displays, newspaper ads, billboards, signs,  
24 brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of  
25  
26  
27  
28



1 mass communication, used for the purpose of appealing, directly or indirectly, for votes or for  
2 financial or other support in any election campaign.

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

6 ((25.)) "Public Disclosure Commission (PDC)" means the Public Disclosure Commission  
7 established by RCW 42.17.350.

8 ((26.)) "Public office" means any elective office of the City.

9 ((27.)) As used in this chapter, the singular shall include the plural and conversely, and any  
10 gender, any other, as the context requires.

11 ((28.)) "Commission" means the Seattle Ethics and Elections Commission established by  
12 Section 3.70.010.

13 ((29.)) "Officer of a political committee" means the following persons: the treasurer, any person  
14 designated by the committee as an officer on the statement of organization filed with the City  
15 Clerk, and any person who alone or in conjunction with other persons makes contribution,  
16 expenditure, strategic or policy decisions on behalf of the committee.

17 ((30.)) "Applicable period" means the following periods: (a) for a candidate or a candidate's  
18 authorized political committee, the election cycle; (b) for a ballot proposition political  
19 committee, from the time the campaign activity begins until the end of the period covered by the  
20 final report; and (c) for a continuing political committee, a single calendar year.

21 ((31.)) "Sponsor" as used in subsection 2.04.290B means the candidate, political committee or  
22 person paying for the political advertising. If a person acts as an agent for another or is  
23



1 reimbursed by another for the payment, the agent's principal or the source of the reimbursement  
2 is the sponsor.

3 Section 3. This ordinance shall take effect and be in force 30 days from and after its  
4 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
5 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2009, and  
7 signed by me in open session in authentication of its passage this  
8 \_\_\_\_ day of \_\_\_\_\_, 2009.

12 \_\_\_\_\_  
13 President \_\_\_\_\_ of the City Council

14 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

16 \_\_\_\_\_  
17 Gregory J. Nickels, Mayor

18 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

21 \_\_\_\_\_  
22 City Clerk

22 (Seal)

