

Ordinance No. 124212

Council Bill No. 117814

AN ORDINANCE relating to public financing of political campaigns; providing for the submission to voters of the City, at an election to be held on November 5, 2013, of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional property taxes for up to six years for the purposes of establishing a public matching funds program for financing City Council election campaigns when certain qualifying conditions are met by candidates, and limiting campaign expenditures on City election campaigns of those who voluntarily enter the Public Campaign Financing Program; establishing a campaign matching fund account in the City Treasury; amending Subchapter V of chapter 2.04 the Seattle Municipal Code and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts.

Related Legislation File: _____

Date Introduced and Referred: <u>June 17, 2013</u>	To: (committee): <u>Committee on Public Campaign Finance</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>6/24/13</u>	Date Presented to Mayor: <u>6/25/13</u>
Date Signed by Mayor: <u>7/1/13</u>	Date Returned to City Clerk: <u>7/2/13</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: TBJ

Committee Action:

Date	Recommendation	Vote
<u>6/17/13</u>	<u>Pass as amended</u>	<u>8-0 (B, SB, TR, BH, RC, NU, JG, MO)</u>

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

Full Council Action:

Date	Decision	Vote
<u>June 24, 2013</u>	<u>Passed as amended</u>	<u>8-0 (excused: Rasmussen)</u>

Law Department

CITY OF SEATTLE
ORDINANCE 124212
COUNCIL BILL 117814

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4 AN ORDINANCE relating to public financing of political campaigns; providing for the
5 submission to voters of the City, at an election to be held on November 5, 2013, of a
6 proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and
7 authorize the City to levy additional property taxes for up to six years for the purposes of
8 establishing a public matching funds program for financing City Council election
9 campaigns when certain qualifying conditions are met by candidates, and limiting
10 campaign expenditures on City election campaigns of those who voluntarily enter the
11 Public Campaign Financing Program; establishing a campaign matching fund account in
12 the City Treasury; amending Subchapter V of chapter 2.04 the Seattle Municipal Code
13 and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts.

14
15 WHEREAS, the City of Seattle established a system for partial public financing of election
16 campaigns in 1978; and

17
18 WHEREAS, the Fair Campaign Practices Act enacted following the passage of Initiative 134 in
19 1992 prohibited the use of public funds to finance state and local political campaigns; and

20
21 WHEREAS, in 2008, the Washington State Legislature amended RCW 42.17.128, which was
22 later re-codified as 42.17A.550, allowing counties, cities and towns to establish public
23 campaign financing programs funded through local revenue sources with the approval of
24 voters; and

25
26 WHEREAS, in 2008, the City Council created through Resolution 31061 a Campaign Public
27 Financing Advisory Committee (CPFAC) to evaluate public financing and develop a
28 proposed program model; and

WHEREAS, the CPFAC issued a report recommending the City Council advance a proposal to
create a public financing program for local election campaigns for consideration by
Seattle voters; and

WHEREAS, in December of 2012, the City Council requested the Seattle Ethics and Elections
Commission (SEEC) to review the 2008 CPFAC report and provide updated
recommendations for Council consideration; and

WHEREAS, in March of 2013, the SEEC submitted a report to the City Council recommending
specific public financing program parameters; and



1 WHEREAS, the City Council is committed to systemically improving the local electoral process
2 through measures that reduce barriers to entry for candidates and broaden public
participation in the electoral process; and

3 WHEREAS, the City Council is concerned about the rising costs associated with local election
4 campaigns and the potential negative impact on public participation in the democratic
5 process; NOW, THEREFORE,

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

7 Section 1. Findings

8 Based on City Council and public discussions with campaign public financing
9 researchers and practitioners on January 31 and February 13, 2013 and recommendations from
10 the Seattle Ethics and Elections Commission in their March 28, 2013 letter to the City Council,
11 the City finds that it is in the best interest of the public to strengthen the local electoral process
12 by reducing the financial barriers to entry for prospective candidates, increasing the role of small
13 donors and diversifying the pool of donors to City Council races. The City finds there is public
14 benefit to creating a voluntary program available to candidates running for the Seattle City
15 Council to obtain public matching funds for certain political campaign activities if specific
16 criteria and conditions are met.

17 Section 2. Administration of the Campaign Financing Program

18 The Seattle Ethics and Elections Commission is charged with implementing and
19 administering the Seattle Public Campaign Financing Program ("Program"). Within 180 days of
20 voter approval of the Program the Commission must:

- 21 a) promulgate rules implementing the Program;
- 22 b) recommend or propose legislation and changes to the Seattle Municipal Code as
23 necessary to implement the Program;
- 24 c) develop and make available to the public all forms and documents necessary to
25 participate in the Program; and



1 d) establish processes and procedures for appeal of decisions of the Executive Director of
2 the Ethics and Elections Commission.

3 Section 3. Subchapter V of Chapter 2.04 of the Seattle Municipal Code, which was last
4 amended by Council Bill 117808, is amended as follows:

5 Subchapter V

6 ~~((Voluntary Expenditure Limitations))~~ Seattle Public Campaign Financing Program

7 Section 4. Added to Subchapter V of Chapter 2.04 of the Seattle Municipal Code are
8 Sections 2.04.400, 2.04.405, 2.04.410, 2.04.415 2.04.420, 2.04.422, 2.04.425, 2.04.430,
9 2.04.435, 2.04.440 2.04.445, 2.04.450, and 2.04.455 as follows:

10 2.04.400 Definitions.

11 The following terms, when used and capitalized in this ordinance, are defined as follows:

12 “Campaign Program Fund” means the fund established as the repository for the levy
13 proceeds or other funds to support the Program;

14 “Cap” means maximum allowed Total Candidate Funds;

15 “Commission” means the Seattle Ethics and Elections Commission;

16 “Director” means the Executive Director of the Commission;

17 “Matchable Contribution” means a campaign contribution that is certified by the Director
18 as having met the requirements of 2.04.405;

19 “Matching Funds” means the public funds given by the City to a Participating Candidate;

20 “Participating Candidate” means a person who has been certified by the Director as
21 having met the requirements of 2.04.410;

22 “Participation Agreement” means a contract between a Participating Candidate and the
23 City of Seattle detailing the responsibilities of the parties to the agreement;

24 “Program” means the Seattle Public Campaign Financing Program;



1 “Statement of Intent” means a statement by a candidate of his or her intention to
2 participate in the Program; and

3 “Total Candidate Funds” means a candidate’s cash on hand plus expenditures plus debts
4 and obligations.

5 2.04.405 Matchable Contribution.

6 A Matchable Contribution for the Program must be a monetary contribution of no less
7 than \$10.00 from a human who resides in the City of Seattle at the time the contribution is made.
8 The contribution may be of any amount up to that allowed by 2.04.370.

9 2.04.410 Program Eligibility.

10 To qualify as a Participating Candidate and be eligible to receive public matching funds,
11 a person must:

12 (a) have filed a Statement of Intent with the Commission no earlier than January 1 of the
13 year of the election and no later than 14 days after filing a Declaration of Candidacy for a Seattle
14 City Council position with King County Elections;

15 (b) have filed a Participation Agreement with the Commission no later than 14 days after
16 filing a Declaration of Candidacy for a Seattle City Council position with King County
17 Elections;

18 (c) have filed a Declaration of Candidacy for a Seattle City Council position with King
19 County Elections;

20 (d) be opposed by at least one person who has filed a Declaration of Candidacy for the
21 same Seattle City Council position with King County Elections who is still in the election after
22 the date set for withdrawal from the election, and who has at least \$6,000 in Total Candidate
23 Funds in support of his or her candidacy;



1 (e) have received at least 600 Matchable Contributions between filing a Statement of
2 Intent with the Director and no later than 21 days after the last day to file a Declaration of
3 Candidacy for a Seattle City Council position with King County Elections;

4 (f) agree to participate in a minimum of three public debates or candidate forums with at
5 least one candidate during the course of the campaign; and

6 (g) have submitted all necessary documentation for qualification no later than 21 days
7 after the last day to file a Declaration of Candidacy for a Seattle City Council position with King
8 County Elections in the year of the election.

9 A candidate who qualifies for the Program is qualified for both the primary and general
10 elections.

11 2.04.415 Qualification Process.

12 1. By December 1 of the year prior to an election year, the Commission must issue a
13 schedule that sets the deadlines and process for qualification, including the form of the Statement
14 of Intent and the Participation Agreement.

15 2. The Director must certify eligible candidates who have timely filed to participate
16 in the Program within 15 days of the date on which the last of the conditions listed in SMC
17 2.04.410 is satisfied.

18 2.04.420 Program Structure.

19 A. Caps. For Participating Candidates the Cap for the primary election is \$140,000 and
20 the Cap for the entire election is \$245,000.

21 B. Matching Funds. A Participating Candidate will be eligible for Matching Funds equal
22 to the value, up to \$50.00, of each Matchable Contribution times six, provided that the resulting
23 number may not exceed \$105,000 in the primary election and \$210,000 for the entire election. If
24 a candidate's Total Candidate Funds, when added to the Matching Funds calculated as provided
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27
28



1 for here, would exceed the applicable Cap, the Matching Funds are reduced until the Cap is not
2 exceeded.

3 2.04.422 Permissible Uses of Matching Funds.

4 A. Matching funds provided under the provisions of this chapter may be used only for
5 expenditures by a Participating Candidate to further the candidate's nomination for election or
6 election, either in a special election to fill a vacancy, or during the calendar year in which the
7 primary or general election in which the candidate is seeking nomination for election or election
8 is held.

9 B. Such public funds may not be used for:

- 10 1. an expenditure in violation of any law;
- 11 2. payments made to the candidate, except to reimburse a candidate for loans
12 made by the candidate to the candidate's own political committee or campaign in an amount
13 totaling no more than the amount provided in RCW 42.17A.445(3) and WAC 390-05-400;
- 14 3. payments to the candidate's immediate family as defined in 4.16.030, or to a
15 business entity in which the candidate or the candidate's immediate family has a ten percent or
16 greater ownership interest;
- 17 4. payments in excess of the fair market value of services, materials, facilities or
18 other things of value received in exchange;
- 19 5. payment of any penalty or fine imposed pursuant to federal, state or local law;
- 20 6. payments for inaugural activities; or
- 21 7. payments in cash.

22 2.04.425 Lifting of a Cap.

23 A. Non-participating Candidate Funds. In the event a non-participating candidate's
24 Total Candidate Funds exceed the Cap, the Cap is removed for all Participating Candidates in the
25 same election contest.



1 B. Independent Expenditures. If the combined total of the Independent Expenditure and
2 the Total Candidate Funds of any candidate(s) who benefit(s) from the Independent Expenditure
3 exceeds the Cap, the Cap is removed for all Participating Candidates who do not benefit in the
4 same election contest.

5 1. If the candidate who benefits is a Participating Candidate, then the Cap
6 shall remain in place for that candidate until such time another Participating Candidate exceeds
7 the Cap in the same election contest.

8 2. The Director must post to the Commission website and notify all
9 candidates in a race no later than three business days after learning of an Independent
10 Expenditure pursuant to 2.04.270 a determination of which, if any, candidates are no longer
11 subject to a Cap.

12 C. If a Participating Candidate's Cap is removed and that candidate's Total Candidate
13 Funds exceed \$140,000 in the primary, then that candidate is required to adhere to a general
14 election Cap of \$105,000. If a Participating Candidate's Cap is removed and that candidate's
15 Total Candidate Funds do not exceed \$140,000 in the primary, then that candidate is required to
16 adhere to the overall election Cap of \$245,000.

17 D. The Executive Director shall determine which candidates benefit from an
18 Independent Expenditure. In making that determination the Director must consider the following
19 factors:

- 20 1. whether the communication clearly identifies one or more candidates;
21 2. whether the communication clearly expresses support for or opposition to one
22 or more candidates;
23 3. whether the communication clearly identifies and associates a candidate with a
24 position on an issue and urges voters to take a particular action;



1 4. whether the communication distinguishes one or more candidates from each
2 other in a campaign based on a position on an issue or in some other manner; and

3 5. any other factors deemed relevant by the Director.

4 2.04.430 Changes to the Program.

5 No more than 180 days after regular City Council elections, the Commission shall report
6 to the City Council whether the Commission has determined that any changes would improve the
7 Program and if so, details related to the specific recommendations. The City Council may, upon
8 receipt of the Commission's report, change any existing dollar value by no more than 15%, the
9 existing number of Matchable Contributions required to participate in the Program by no more
10 than 100, any of the dates or times for taking action under this ordinance, and other technical,
11 non-substantive changes.

12 2.04.435 Disbursement of Funds.

13 A. Within one week of certifying that a candidate has qualified under 2.04.410 for
14 the election in question, the Director must provide each Participating Candidate with the
15 matching funds the candidate is, at that time, eligible to receive based on the candidate's
16 Matchable Contributions and other limitations set forth here. This initial disbursement shall not
17 exceed 50 percent of the Matching Funds available to the Candidate in the primary.

18 B. The Commission determines the information needed to submit a claim for
19 subsequent payments of public funds. The Director must certify each request for payment of
20 public funds within four business days of the request, except that within 14 calendar days before
21 the election, when the certification of a request for public funds must be made within two
22 business days of the request. Any submission of a claim for public funds must include a
23 minimum of \$1,000 of Matchable Contributions; provided that in the 14 calendar days preceding
24 an election, a claim must include a minimum of \$200 of Matchable Contributions. All claims for



1 public funds must be submitted no later than 5:00 p.m. on the 30th day following the date of the
2 election.

3 2.04.440 Return of Funds.

4 A Participating Candidate may withdraw from the Program. A Participating Candidate
5 withdrawing from the Program must return all Matching Funds to the Campaign Program Fund
6 with interest, assessed at the same rate as a 26-week US Treasury Bill issued the day the
7 candidate entered into the Participation Agreement, per day from the date of receipt of those
8 funds. A Participating Candidate must return unexpended Matching Funds to the City for
9 deposit into the Campaign Program Fund no later than 30 days after he or she is elected,
10 defeated, or withdraws.

11 2.04.445 Insufficient Funds.

12 In the event that the funds available in the Campaign Program Fund are insufficient to
13 provide every Participating Candidate with the funds he or she would be eligible to receive, the
14 apportionment to each candidate is reduced proportionally until the total disbursement equals the
15 amount of funds available.

16 2.04.450 Applicability

17 This program is available only to candidates in Citywide Council elections.

18 2.04.455 Penalties

19 In addition to the penalties and remedies provided for in 2.04.500, Participating
20 Candidates are subject to the following additional penalties:

21 A. Participating Candidates who violate applicable Caps will be subject to a penalty up
22 to the amount of the Matching Funds made available to the Candidate;

23 B. Participating Candidates who make expenditures in violation of section 2.04.422 are
24 subject to a fine of up to twice the amount of the expenditure.



1 Section 5. Definitions. The following terms, when used and capitalized in this
2 ordinance, shall have definitions stated below:

3 A. "City" means the City of Seattle.

4 B. "Proceeds" means that portion of regular property taxes levied and collected
5 as authorized by voter approval pursuant to this ordinance that are above the limits on levies
6 provided for in RCW 84.55.010, and all interest and other earnings derived from that portion of
7 the levy.

8 Section 6. Levy of Regular Property Taxes – Submittal. The City hereby submits to the
9 qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy
10 limitation on regular property taxes contained in Chapter 84.55 RCW, as it now exists or may
11 hereafter be amended, for property taxes levied in 2013 through 2018 for collection in 2014
12 through 2019, respectively. The proposition shall be limited so that the City shall not levy more
13 than \$2,000,000 in the first year, in addition to the maximum amount of regular property taxes it
14 would have been limited to by RCW 84.55.010 in the absence of voter approval under this
15 ordinance, plus other authorized lid lifts. Proceeds shall be used to provide funding for the
16 Seattle Public Campaign Financing Program. Pursuant to RCW 84.55.050(4), the maximum
17 regular property taxes that may be levied in 2019 for collection in 2020 and in later years shall be
18 computed as if the levy lid in RCW 84.55.010 had not been lifted under this ordinance.

19 Section 7. A new Campaign Program Fund is created in the City Treasury, to which
20 revenues may be deposited, and from which associated expenditures may be paid including, but
21 not limited to, operating and City administration costs for the Seattle Public Campaign Financing
22 Program.

23 Section 8. Application of Levy Proceeds. Unless otherwise directed by ordinance,
24 Proceeds shall be deposited in the Campaign Program Fund. The Director of Finance and
25 Administrative Services, or the Director's designee, is authorized to create subfunds or accounts
26



1 within the Campaign Program Fund as may be needed or appropriate to implement the purposes
2 of this ordinance. Proceeds may be temporarily deposited or invested in such manner as may be
3 lawful for the investment of City money, and interest and other earnings shall be used for the
4 same purposes as the Proceeds

5 Section 9. Election – Ballot Title. The City Council directs that the City Clerk file this
6 ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of
7 elections, requesting that the Director of Elections call and conduct a special election in the City
8 in conjunction with the general election to be held on November 5, 2013, for the purpose of
9 submitting to the qualified electors of the City the proposition set forth in this ordinance. The
10 City Clerk is directed to certify to the King County Director of Elections the ballot title approved
11 by the City Attorney in accordance with his responsibilities under RCW 29A.36.071.

12 Section 10. Ratification. Certification of such proposition by the City Clerk to the King
13 County Director of Elections in accordance with law prior to the date of such election on
14 November 5, 2013, and any other act consistent with the authority and prior to the effective date
15 of this ordinance, are hereby ratified and confirmed.

16 Section 11. The Seattle Ethics and Elections Commission will submit to the City
17 Council, Mayor and citizens of Seattle annual progress reports on the Campaign Finance
18 Program. The report shall be due to the City Council and Mayor by no later than March 1 of
19 calendar years following each election.

20 Section 12. Any appeal of the City Attorney's Explanatory Statement for this proposition
21 timely filed under SMC 2.14.030 shall be heard by the Office of the Hearing Examiner, not the
22 Commission.

23 Section 13. Severability. The provisions of this ordinance are declared to be separate and
24 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of
25 this ordinance, or the invalidity of its application to any person or circumstance, do not affect the
26



1 validity of the remainder of this ordinance, or the validity of its application to other persons or
2 circumstances.

3 Section 14. This ordinance shall take effect and be in force 30 days after its approval by
4 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
5 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the 24th day of June, 2013, and
7 signed by me in open session in authentication of its passage this
8 24th day of June, 2013.

9
10 

11 President _____ of the City Council

12
13 Approved by me this 1st day of July, 2013.

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15 

16 Michael McGinn, Mayor

17
18 Filed by me this 2nd day of July, 2013.

19
20 

21 Monica Martinez Simmons, City Clerk

22 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
LEG	Mike Fong 5-1675 /Tony Kilduff 4-3580	N/A

Legislation Title:

AN ORDINANCE relating to public financing of political campaigns; providing for the submission to voters of the City, at an election to be held on November 5, 2013, of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional property taxes for up to six years for the purposes of establishing a public matching funds program for financing City Council election campaigns when certain qualifying conditions are met by candidates, and limiting campaign expenditures on City election campaigns of those who voluntarily enter the Public Campaign Financing Program; establishing a campaign matching fund account in the City Treasury; amending Subchapter V of chapter 2.04 the Seattle Municipal Code and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts.

Summary of the Legislation:

This legislation would place ballot measure before the voters in November 2013 authorizing a six-year property tax levy lid lift to support a public campaign funding program for City Council races. The program, which is voluntary, would provide candidates who qualify by receiving at least 600 contributions of at least \$10.00 each matching funds from the program at a rate of \$6.00 for every \$1.00 raised. The maximum amount of any qualifying donation that would be matched is \$50.00, with a total of \$210,000 in public funds available to any participating candidate.

Candidates who participate get up to \$105,000 in public funds in the primary and face a spending cap of \$140,000. They are also eligible for up to \$105,000 in the general election and face a combined spending cap between the two races of \$245,000.

The limit on spending by a participating candidate in the primary will be lifted if spending against that candidate exceeds \$140,000. In that event, the candidate may raise and spend at will in the primary but will be bound by a spending limit of \$105,000 in the general.

Background:

(Include a brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable.)

Please check one of the following:

This legislation does not have any financial implications.



(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

X This legislation has financial implications.

(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

Appropriations:

(This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not supported by revenue/reimbursements, please confirm that there is available fund balance to cover this appropriation in the note section.)

Fund Name and Number	Department	Budget Control Level*	2013 Appropriation	2014 Anticipated Appropriation
General Fund	Office of Ethics and Elections	V1T00	0	\$150,000
TOTAL				\$150,000

*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

Anticipated 2014 appropriations are for relocation and expansion of space for the Seattle Ethics and Elections Commission.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

(This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.)

Fund Name and Number	Department	Revenue Source	2013 Revenue	2014 Revenue
Campaign Program Fund	FAS	Levy lid lift		\$2,000,000
TOTAL				\$2,000,000

Revenue/Reimbursement Notes:

Proposed LLL to take effect in 2014.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

(This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.)

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2013 Positions	2013 FTE	2014 Positions*	2014 FTE*
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g) Does this legislation affect a piece of property? No

(If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.)

h) Other Issues: None.

List attachments to the fiscal note below:



City of Seattle
Legislative Department
Office of the City Clerk



Monica Martinez Simmons, City Clerk

Date: July 1, 2013
To: City Councilmembers
From: Monica Martinez Simmons, City Clerk *ms*
Subject: Correction of Errors in Council Bill 117814

At the June 24, 2013, Full Council meeting, the City Council passed Council Bill 117814 as amended, authorizing placement of a proposition relating to Public Campaign Financing on the November 2013 general election ballot.

" AN ORDINANCE relating to public financing of political campaigns; providing for the submission to voters of the City, at an election to be held on November 5, 2013, of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional property taxes for up to six years for the purposes of establishing a public matching funds program for financing City Council election campaigns when certain qualifying conditions are met by candidates, and limiting campaign expenditures on City election campaigns of those who voluntarily enter the Public Campaign Financing Program; establishing a campaign matching fund account in the City Treasury; amending Subchapter V of chapter 2.04 the Seattle Municipal Code and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts. "

The version of the Bill passed contained two clerical errors. These errors will be corrected by the Council Clerk once the Bill is returned by the Mayor, and a memorandum will be included in the record specifying the corrections made after passage. This corrective process was reviewed by the City Attorney's Office.

The two errors are noted below:

1. Seattle Municipal Code (SMC) section 2.04.422 was omitted in the Section 4 header:

" Section 4. Added to Subchapter V of Chapter 2.04 of the Seattle Municipal Code are Sections 2.04.400, 2.04.405, 2.04.410, 2.04.415 2.04.420, 2.04.422, 2.04.425, 2.04.430, 2.04.435, 2.04.440 2.04.445, 2.04.450, and 2.04.455 as follows: "

2. SMC section 2.04.445 was incorrectly referenced:

" ~~4.02-2.04.445~~ Insufficient Funds. "

King County Elections will receive the corrected version of this Bill authorizing placement on the ballot.

Cc: Mayor Mike McGinn
Emilia M. Sanchez, Council Clerk
Michael Fong and Tony Kilduff, Council Central Staff
Clerk File-Council Bill 117814

600 4th Avenue Floor 3, PO Box 94728, Seattle, Washington 98124-4728
(206) 684-8344 Fax: (206) 386-9025 TTY: (206) 233-0025
email: clerk@seattle.gov

Accommodations for people with disabilities provided upon request. An equal opportunity employer

1 public funds must be submitted no later than 5:00 p.m. on the 30th day following the date of the
2 election.

3 2.04.440 Return of Funds.

4 A Participating Candidate may withdraw from the Program. A Participating Candidate
5 withdrawing from the Program must return all Matching Funds to the Campaign Program Fund
6 with interest, assessed at the same rate as a 26-week US Treasury Bill issued the day the
7 candidate entered into the Participation Agreement, per day from the date of receipt of those
8 funds. A Participating Candidate must return unexpended Matching Funds to the City for
9 deposit into the Campaign Program Fund no later than 30 days after he or she is elected,
10 defeated, or withdraws.

11 4.02.445 Insufficient Funds.

12 In the event that the funds available in the Campaign Program Fund are insufficient to
13 provide every Participating Candidate with the funds he or she would be eligible to receive, the
14 apportionment to each candidate is reduced proportionally until the total disbursement equals the
15 amount of funds available.

16 2.04.450 Applicability

17 This program is available only to candidates in Citywide Council elections.

18 2.04.455 Penalties

19 In addition to the penalties and remedies provided for in 2.04.500, Participating
20 Candidates are subject to the following additional penalties:

21 A. Participating Candidates who violate applicable Caps will be subject to a penalty up
22 to the amount of the Matching Funds made available to the Candidate;

23 B. Participating Candidates who make expenditures in violation of section 2.04.422 are
24 subject to a fine of up to twice the amount of the expenditure.

1 d) establish processes and procedures for appeal of decisions of the Executive Director of
2 the Ethics and Elections Commission.

3 Section 3. Subchapter V of Chapter 2.04 of the Seattle Municipal Code, which was last
4 amended by Council Bill 117808, is amended as follows:

5 Subchapter V

6 ~~((Voluntary Expenditure Limitations))~~ Seattle Public Campaign Financing Program

7 Section 4. Added to Subchapter V of Chapter 2.04 of the Seattle Municipal Code are
8 Sections 2.04.400, 2.04.405, 2.04.410, 2.04.415 2.04.420, 2.04.425, 2.04.430, 2.04.435, 2.04.440
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13 proceeds or other funds to support the Program;

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24 “Program” means the Seattle Public Campaign Financing Program;



CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117814

AN ORDINANCE relating to public financing of political campaigns; providing for the submission to voters of the City, at an election to be held on November 5, 2013, of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional property taxes for up to six years for the purposes of establishing a public matching funds program for financing City Council election campaigns when certain qualifying conditions are met by candidates, and limiting campaign expenditures on City election campaigns of those who voluntarily enter the Public Campaign Financing Program; establishing a campaign matching fund account in the City Treasury; amending Subchapter V of chapter 2.04 the Seattle Municipal Code and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts.

WHEREAS, the City of Seattle established a system for partial public financing of election campaigns in 1978; and

WHEREAS, the Fair Campaign Practices Act enacted following the passage of Initiative 134 in 1992 prohibited the use of public funds to finance state and local political campaigns; and

WHEREAS, in 2008, the Washington State Legislature amended RCW 42.17.128 allowing counties, cities and towns to establish public campaign financing programs funded through local revenue sources with the approval of voters; and

WHEREAS, in 2008, the City Council created through Resolution 31061 a Campaign Public Financing Advisory Committee (CPFAC) to evaluate public financing and develop a proposed program model; and

WHEREAS, the CPFAC issued a report recommending the City Council advance a proposal to create a public financing program for local election campaigns for consideration by Seattle voters; and

WHEREAS, in December of 2012, the City Council requested the Seattle Ethics and Elections Commission (SEEC) to review the 2008 CPFAC report and provide updated recommendations for Council consideration; and

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1 WHEREAS, the City Council is committed to systemically improving the local electoral process
2 through measures that reduce barriers to entry for candidates and broaden public
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3 WHEREAS, the City Council is concerned about the rising costs associated with local election
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6 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

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9 researchers and practitioners on January 31 and February 13, 2013 and recommendations from
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12 by reducing the financial barriers to entry for prospective candidates, increasing the role of small
13 donors and diversifying the pool of donors to City Council races. The City finds there is public
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15 Council to obtain public matching funds for certain political campaign activities if specific
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- 21 a) promulgate rules implementing the Program;
- 22 b) recommend or propose legislation and changes to the Seattle Municipal Code as
23 necessary to implement the Program;
- 24 c) develop and make available to the public all forms and documents necessary to
25 participate in the Program; and
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2 the Ethics and Elections Commission.

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23 City of Seattle detailing the responsibilities of the parties to the agreement;

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6 A Matchable Contribution for the Program must be a monetary contribution of no less
7 than \$10.00 from a human who resides in the City of Seattle at the time the contribution is made.
8 The contribution may be of any amount up to that allowed by 2.04.370.

9 2.04.410 Program Eligibility.

10 To qualify as a Participating Candidate and be eligible to receive public matching funds,
11 a person must:

12 (a) have filed a Statement of Intent with the Commission no earlier than January 1 of the
13 year of the election and no later than 14 days after filing a Declaration of Candidacy for a Seattle
14 City Council position with King County Elections;

15 (b) have filed a Participation Agreement with the Commission no later than 14 days after
16 filing a Declaration of Candidacy for a Seattle City Council position with King County
17 Elections;

18 (c) have filed a Declaration of Candidacy for a Seattle City Council position with King
19 County Elections;

20 (d) be opposed by at least one person who has filed a Declaration of Candidacy for the
21 same Seattle City Council position with King County Elections who is still in the election after
22 the date set for withdrawal from the election, and who has at least \$6,000 in Total Candidate
23 Funds in support of his or her candidacy;



1 (e) have received at least 600 Matchable Contributions between filing a Statement of
2 Intent with the Director and no later than 21 days after the last day to file a Declaration of
3 Candidacy for a Seattle City Council position with King County Elections;

4 (f) agree to participate in a minimum of three public debates or candidate forums with at
5 least one opponent during the course of the campaign; and

6 (g) have submitted all necessary documentation for qualification no later than 21 days
7 after the last day to file a Declaration of Candidacy for a Seattle City Council position with King
8 County Elections in the year of the election.

9 A candidate who qualifies for the Program is qualified for both the primary and general
10 elections.

11 2.04.415 Qualification Process.

12 1. By December 1 of the year prior to an election year, the Commission must issue a
13 schedule that sets the deadlines and process for qualification, including the form of the Statement
14 of Intent and the Participation Agreement.

15 2. The Director must certify eligible candidates who have timely filed to participate
16 in the Program within 15 days of the date on which the last of the conditions listed in SMC
17 2.04.410 is satisfied.

18 2.04.420 Program Structure.

19 A. Caps. For Participating Candidates the Cap for the primary election is \$140,000 and
20 the Cap for the entire election is \$245,000.

21 B. Matching Funds. A Participating Candidate will be eligible for Matching Funds equal
22 to the value, up to \$50.00, of each Matchable Contribution times six, provided that the resulting
23 number may not exceed \$105,000 in the primary election and \$210,000 for the entire election. If
24 a candidate's Total Candidate Funds, when added to the Matching Funds calculated as provided
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27

THIS VERSION IS NOT ADOPTED



1 for here, would exceed the applicable Cap, the Matching Funds are reduced until the Cap is not
2 exceeded.

3 2.04.425 Lifting of a Cap.

4 A. Non-participating Candidate Funds. In the event a non-participating candidate's Total
5 Candidate Funds exceed the Cap, the Cap is removed for all Participating Candidates in the same
6 election contest.

7 B. Independent Expenditures. If the combined total of the Independent Expenditure and
8 the Total Candidate Funds of any candidate(s) who benefit from the Independent Expenditure
9 exceeds the Cap, the Cap is removed for all Participating Candidates who do not benefit in the
10 same election contest.

11 1. If the candidate who benefits is a Participating Candidate, then the Cap
12 shall remain in place for that candidate until such time another Participating Candidate exceeds
13 the Cap in the same election contest.

14 2. The Director must post to the Commission website and notify all
15 candidates in a race no later than three business days after learning of an Independent
16 Expenditure pursuant to 2.04.270 a determination of which, if any, candidates are no longer
17 subject to a Cap.

18 C. If a Participating Candidate's Cap is removed and that candidate's Total Candidate
19 Funds exceed \$140,000 in the primary, then that candidate is required to adhere to a general
20 election Cap of \$105,000. If a Participating Candidate's Cap is removed and that candidate's
21 Total Candidate Funds do not exceed \$140,000 in the primary, then that candidate is required to
22 adhere to the overall election Cap of \$245,000.

23 D. The Executive Director shall determine which candidates benefit from an
24 Independent Expenditure. In making that determination the Director must consider the following
25 factors:

- 1 1. whether the communication clearly identifies one or more candidates;
- 2 2. whether the communication clearly expresses support for or opposition to one
- 3 or more candidates;
- 4 3. whether the communication clearly identifies and associates a candidate with a
- 5 position on an issue and urges voters to take a particular action;
- 6 4. whether the communication distinguishes one or more candidates from each
- 7 other in a campaign based on a position on an issue or in some other manner; and
- 8 5. any other factors deemed relevant by the Director.

9 2.04.430 Changes to the Program.

10 No more than 180 days after regular City Council elections, the Commission shall report
11 to the City Council whether the Commission has determined that any changes would improve the
12 Program and if so, details related to the specific recommendations. The City Council may, upon
13 receipt of the Commission's report, change any dollar value by no more than 15%, the number of
14 Matchable Contributions required to participate in the Program by no more than 100, any of the
15 dates or times for taking action under this ordinance, and other technical, non-substantive
16 changes.

17 2.04.435 Disbursement of Funds.

18 A. Within one week of certifying that a candidate has qualified under 2.04.410 for
19 the election in question, the Director must provide each Participating Candidate with the
20 matching funds the candidate is, at that time, eligible to receive based on the candidate's
21 Matchable Contributions and other limitations set forth here. This initial disbursement shall not
22 exceed 50 percent of the Matching Funds available to the Candidate in the primary.

23 B. The Commission determines the information needed to submit a claim for
24 subsequent payments of public funds. The Director must certify each request for payment of
25 public funds within four business days of the request, except that within 14 calendar days before
26

THIS VERSION IS NOT ADOPTED



1 the election, when the certification of a request for public funds must be made within two
2 business days of the request. Any submission of a claim for public funds must include a
3 minimum of \$1,000 of Matchable Contributions; provided that in the 14 calendar days preceding
4 an election, a claim must include a minimum of \$200 of Matchable Contributions. All claims for
5 public funds must be submitted no later than 5:00 p.m. on the 30th day following the date of the
6 election.

7 2.04.440 Return of Funds.

8 A Participating Candidate may withdraw from the Program. A Participating Candidate
9 withdrawing from the Program must return all Matching Funds to the Campaign Program Fund
10 with interest, assessed at the same rate as a 26-week US Treasury Bill issued the day the
11 candidate entered into the Participation Agreement, per day from the date of receipt of those
12 funds. A Participating Candidate must return unexpended Matching Funds to the City for
13 deposit into the Campaign Program Fund no later than 30 days after he or she is elected,
14 defeated, or withdraws.

15 4.02.445 Insufficient Funds.

16 In the event that the funds available in the Campaign Program Fund are insufficient to
17 provide every Participating Candidate with the funds he or she would be eligible to receive, the
18 apportionment to each candidate is reduced proportionally until the total disbursement equals the
19 amount of funds available.

20 2.04.450 Applicability

21 This program is available only to candidates in Citywide Council elections.

22 2.04.455 Penalties

23 In addition to the penalties and remedies provided for in 2.04.500, Participating
24 Candidates who violate applicable Caps will be subject to a penalty up to the amount of the
25 Matching Funds made available to the Candidate.

1 Section 5. Definitions. The following terms, when used and capitalized in this
2 ordinance, shall have definitions stated below:

3 A. "City" means the City of Seattle.

4 B. "Proceeds" means that portion of regular property taxes levied and collected
5 as authorized by voter approval pursuant to this ordinance that are above the limits on levies
6 provided for in RCW 84.55.010, and all interest and other earnings derived from that portion of
7 the levy.

8 Section 6. Levy of Regular Property Taxes – Submittal. The City hereby submits to the
9 qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy
10 limitation on regular property taxes contained in Chapter 84.55 RCW, as it now exists or may
11 hereafter be amended, for property taxes levied in 2013 through 2018 for collection in 2014
12 through 2019, respectively. The proposition shall be limited so that the City shall not levy more
13 than \$2,000,000 in the first year, in addition to the maximum amount of regular property taxes it
14 would have been limited to by RCW 84.55.010 in the absence of voter approval under this
15 ordinance, plus other authorized lid lifts. Proceeds shall be used to provide funding for the
16 Seattle Public Campaign Financing Program. Pursuant to RCW 84.55.050(4), the maximum
17 regular property taxes that may be levied in 2019 for collection in 2020 and in later years shall be
18 computed as if the levy lid in RCW 84.55.010 had not been lifted under this ordinance.

19 Section 7. Application of Levy Proceeds.

20 Unless otherwise directed by ordinance, Proceeds shall be deposited in the Campaign
21 Program Fund. The Director of Finance and Administrative Services, or the Director's designee,
22 is authorized to create subfunds or accounts within the Campaign Program Fund as may be
23 needed or appropriate to implement the purposes of this ordinance. Proceeds may be temporarily
24 deposited or invested in such manner as may be lawful for the investment of City money, and
25 interest and other earnings shall be used for the same purposes as the Proceeds

1 Section 8. Election – Ballot Title. The City Council directs that the City Clerk file this
2 ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of
3 elections, requesting that the Director of Elections call and conduct a special election in the City
4 in conjunction with the general election to be held on November 5, 2013, for the purpose of
5 submitting to the qualified electors of the City the proposition set forth in this ordinance. The
6 City Clerk is directed to certify to the King County Director of Elections the ballot title approved
7 by the City Attorney in accordance with his responsibilities under RCW 29A.36.071.

8 Section 9. Ratification. Certification of such proposition by the City Clerk to the King
9 County Director of Elections in accordance with law prior to the date of such election on
10 November 5, 2013, and any other act consistent with the authority and prior to the effective date
11 of this ordinance, are hereby ratified and confirmed.

12 Section 8. The Seattle Ethics and Elections Commission will submit to the City Council,
13 Mayor and citizens of Seattle annual progress reports on the Campaign Finance Program. The
14 report shall be due to the City Council and Mayor by no later than March 1 of calendar years
15 following each election.

16 Section 10. Any appeal of the City Attorney's Explanatory Statement for this proposition
17 timely filed under SMC 2.14.030 shall be heard by the Office of the Hearing Examiner, not the
18 Commission.

19 Section 11. Severability. The provisions of this ordinance are declared to be separate and
20 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of
21 this ordinance, or the invalidity of its application to any person or circumstance, do not affect the
22 validity of the remainder of this ordinance, or the validity of its application to other persons or
23 circumstances.

1 Section 12. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2013, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2013.

7
8 _____
9 President _____ of the City Council

10
11 Approved by me this ____ day of _____, 2013.

12
13 _____
14 Michael McGinn, Mayor

15
16 Filed by me this ____ day of _____, 2013.

17
18 _____
19 Monica Martinez Simmons, City Clerk

20 (Seal)

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CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117814

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3 an election, a claim must include a minimum of \$200 of Matchable Contributions. All claims for
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9 with interest, assessed at the same rate as a 26-week US Treasury Bill issued the day the
10 candidate entered into the Participation Agreement, per day from the date of receipt of those
11 funds. A Participating Candidate must return unexpended Matching Funds to the City for
12 deposit into the Campaign Program Fund no later than 30 days after he or she is elected,
13 defeated, or withdraws.

14 4.02.445 Insufficient Funds.

15 In the event that the funds available in the Campaign Program Fund are insufficient to
16 provide every Participating Candidate with the funds he or she would be eligible to receive, the
17 apportionment to each candidate is reduced proportionally until the total disbursement equals the
18 amount of funds available.

19 2.04.450 Applicability

20 This program is available only to candidates in Citywide Council elections.

21 2.04.455 Penalties

22 In addition to the penalties and remedies provided for in 2.04.500, Participating
23 Candidates who violate applicable Caps will be subject to a penalty up to the amount of the
24 Matching Funds made available to the Candidate.



1 Section 5. Definitions. The following terms, when used and capitalized in this
2 ordinance, shall have definitions stated below:

3 A. "City" means the City of Seattle.

4 B. "Proceeds" means that portion of regular property taxes levied and collected
5 as authorized by voter approval pursuant to this ordinance that are above the limits on levies
6 provided for in RCW 84.55.010, and all interest and other earnings derived from that portion of
7 the levy.

8 Section 6. Levy of Regular Property Taxes – Submittal. The City hereby submits to the
9 qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy
10 limitation on regular property taxes contained in Chapter 84.55 RCW, as it now exists or may
11 hereafter be amended, for property taxes levied in 2013 through 2018 for collection in 2014
12 through 2019, respectively. The proposition shall be limited so that the City shall not levy more
13 than \$2,000,000 in the first year, in addition to the maximum amount of regular property taxes it
14 would have been limited to by RCW 84.55.010 in the absence of voter approval under this
15 ordinance, plus other authorized lid lifts. Proceeds shall be used to provide funding for the
16 Seattle Public Campaign Financing Program. Pursuant to RCW 84.55.050(4), the maximum
17 regular property taxes that may be levied in 2019 for collection in 2020 and in later years shall be
18 computed as if the levy lid in RCW 84.55.010 had not been lifted under this ordinance.

19 Section 7. Application of Levy Proceeds.

20 Unless otherwise directed by ordinance, Proceeds shall be deposited in the Campaign
21 Program Fund. The Director of Finance and Administrative Services, or the Director's designee,
22 is authorized to create subfunds or accounts within the Campaign Program Fund as may be
23 needed or appropriate to implement the purposes of this ordinance. Proceeds may be temporarily
24 deposited or invested in such manner as may be lawful for the investment of City money, and
25 interest and other earnings shall be used for the same purposes as the Proceeds



1 Section 8. Election – Ballot Title. The City Council directs that the City Clerk file this
2 ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of
3 elections, requesting that the Director of Elections call and conduct a special election in the City
4 in conjunction with the general election to be held on November 5, 2013, for the purpose of
5 submitting to the qualified electors of the City the proposition set forth in this ordinance. The
6 City Clerk is directed to certify to the King County Director of Elections the ballot title approved
7 by the City Attorney in accordance with his responsibilities under RCW 29A.36.071.

8 Section 9. Ratification. Certification of such proposition by the City Clerk to the King
9 County Director of Elections in accordance with law prior to the date of such election on
10 November 5, 2013, and any other act consistent with the authority and prior to the effective date
11 of this ordinance, are hereby ratified and confirmed.

12 Section 8. The Seattle Ethics and Elections Commission will submit to the City Council,
13 Mayor and citizens of Seattle annual progress reports on the Campaign Finance Program. The
14 report shall be due to the City Council and Mayor by no later than March 1 of calendar years
15 following each election.

16 Section 10. Any appeal of the City Attorney's Explanatory Statement for this proposition
17 timely filed under SMC 2.14.030 shall be heard by the Office of the Hearing Examiner, not the
18 Commission.

19 Section 11. Severability. The provisions of this ordinance are declared to be separate and
20 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of
21 this ordinance, or the invalidity of its application to any person or circumstance, do not affect the
22 validity of the remainder of this ordinance, or the validity of its application to other persons or
23 circumstances.

1 Section 12. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2013, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2013.

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8

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President _____ of the City Council

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Approved by me this ____ day of _____, 2013.

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Michael McGinn, Mayor

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Filed by me this ____ day of _____, 2013.

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Monica Martinez Simmons, City Clerk

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(Seal)

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THIS VERSION IS NOT ADOPTED



STATE OF WASHINGTON -- KING COUNTY

--ss.

300061

No.

CITY OF SEATTLE, CLERKS OFFICE

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.

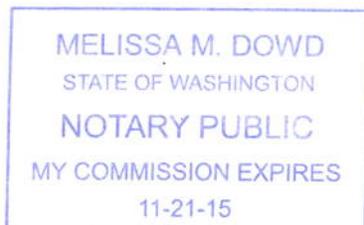
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124208-214 TITLE ONLY

was published on

07/12/13

The amount of the fee charged for the foregoing publication is the sum of \$160.55 which amount has been paid in full.



[Signature]

Subscribed and sworn to before me on

07/12/2013

[Signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on June 24, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124208

AN ORDINANCE relating to the Washington Park Arboretum; approving the execution of a mitigation agreement among the Washington State Department of Transportation, the University of Washington, and the Washington Park Arboretum Foundation for impacts to the Arboretum from the State's SR 520 Project; authorizing the Mayor or his designees to execute, deliver, and perform corresponding agreements; amending Ordinance 124053, which adopted the 2013 Budget, including the 2013-2018 Capital Improvement Program (CIP); creating a new fund; adding a new project; creating a new Capital Improvement Program Budget Control Level and creating a new appropriation for the implementation of the Arboretum Mitigation Plan; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 124209

AN ORDINANCE relating to Freeway Park; authorizing an agreement between the City of Seattle and First Hill/Eighth Avenue LLC concerning connecting a private development to the Pigott Corridor portion of Freeway Park; and ratifying and confirming prior acts.

ORDINANCE NO. 124210

AN ORDINANCE relating to City employment commonly referred to as the First Quarter 2013 Employment Ordinance; designating positions as exempt from Civil Service status, amending Seattle Municipal Code Section 4.13.010, authorizing the Mayor to execute a Memorandum of Agreement between the City of Seattle and the Public Service and Industrial Employees Local 1239, and ratifying and confirming prior acts; all by a 2/3 vote of the City Council.

ORDINANCE NO. 124211

AN ORDINANCE relating to City employment; amending Seattle Municipal Code Section 4.20.370 to reconcile it with planned changes to the public transit subsidy benefit offered to City employees; authorizing the execution of a Memorandum of Understanding between the City and certain City labor unions to amend collective bargaining agreements to reflect the benefit provided in Seattle Municipal Code Section 4.20.370; and ratifying and confirming prior acts.

ORDINANCE NO. 124212

AN ORDINANCE relating to public financing of political campaigns; providing for the submission to voters of the City, at an election to be held on November 5, 2013, of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional property taxes for up to six years for the purposes of establishing a public matching funds program for financing City Council election campaigns when certain qualifying conditions are met by candidates, and limiting campaign expenditures on City election campaigns of those who voluntarily enter the Public Campaign Financing Program; establishing a campaign matching fund account in the City Treasury; amending Subchapter V of chapter 2.04 the Seattle Municipal Code and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124213

AN ORDINANCE authorizing the Human Services Department to enter into a contract with a non-profit organization to provide outreach, engagement, case management, shelter, housing and other services to immediately move the campers at the encampment at 7116 W Marginal Way SW to appropriate shelter, housing and services; appropriating \$500,000 for such purpose; declaring an emergency; and ratifying and confirming prior acts; all with a three-fourths vote of the City Council.

ORDINANCE NO. 124214

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, July 12, 2013.

7/12(300061)

STATE OF WASHINGTON -- KING COUNTY

--SS.

303185

No.

CITY OF SEATTLE, CLERKS OFFICE

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.

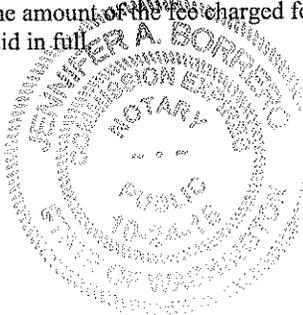
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 124212

was published on

10/07/13

The amount of the fee charged for the foregoing publication is the sum of \$841.50 which amount has been paid in full.



[Signature]
Subscribed and sworn to before me on
10/07/2013
[Signature]
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

A. Non-participating Candidate Funds. In the event a non-participating candidate's Total Candidate Funds exceed the Cap, the Cap is removed for all Participating Candidates in the same election contest.

B. Independent Expenditures. If the combined total of the Independent Expenditure and the Total Candidate Funds of any candidate(s) who benefit(s) from the Independent Expenditure exceeds the Cap, the Cap is removed for all Participating Candidates who do not benefit in the same election contest.

1. If the candidate who benefits is a Participating Candidate, then the Cap shall remain in place for that candidate until such time another Participating Candidate exceeds the Cap in the same election contest.

2. The Director must post to the Commission website and notify all candidates in a race no later than three business days after learning of an Independent Expenditure pursuant to 2.04.270 a determination of which, if any, candidates are no longer subject to a Cap.

C. If a Participating Candidate's Cap is removed and that candidate's Total Candidate Funds exceed \$140,000 in the primary, then that candidate is required to adhere to a general election Cap of \$105,000. If a Participating Candidate's Cap is removed and that candidate's Total Candidate Funds do not exceed \$140,000 in the primary, then that candidate is required to adhere to the overall election Cap of \$245,000.

D. The Executive Director shall determine which candidates benefit from an Independent Expenditure. In making that determination the Director must consider the following factors:

1. whether the communication clearly identifies one or more candidates;

2. whether the communication clearly expresses support for or opposition to one or more candidates;

3. whether the communication clearly identifies and associates a candidate with a position on an issue and urges voters to take a particular action;

4. whether the communication distinguishes one or more candidates from each other in a campaign based on a position on an issue or in some other manner; and

5. any other factors deemed relevant by the Director.

2.04.430 Changes to the Program.

No more than 180 days after regular City Council elections, the Commission shall report to the City Council whether the Commission has determined that any changes would improve the Program and if so, details related to the specific recommendations. The City Council may, upon receipt of the Commission's report, change any existing dollar value by no more than 15%, the existing number of Matchable Contributions required to participate in the Program by no more than 100, any of the dates or times for taking action under this ordinance, and other technical, non-substantive changes.

2.04.435 Disbursement of Funds.

A. Within one week of certifying that a candidate has qualified under 2.04.410 for the election in question, the Director must provide each Participating Candidate with the matching funds the candidate is, at that time, eligible to receive based on the candidate's Matchable Contributions and other limitations set forth here. This initial disbursement shall not exceed 50 percent of the Matching Funds available to the Candidate in the primary.

B. The Commission determines the information needed to submit a claim for subsequent payments of public funds. The Director must certify each request for payment of public funds within four business days of the request, except that within 14 calendar days before the election, when the certification of a request for public funds must be made within two business days of the request. Any submission of a claim for public funds must include a minimum of \$1,000 of Matchable Contributions; provided that in the 14 calendar days preceding an election, a claim must include a minimum of \$200 of Matchable Contributions. All claims for public funds must be submitted no later than 5:00 p.m. on the 30th day following the date of the election.

2.04.440 Return of Funds.

A Participating Candidate may withdraw from the Program. A Participating Candidate withdrawing from the Program must return all Matching Funds to the Campaign Program Fund with interest, assessed at the same rate as a 26-week US Treasury Bill issued the day the candidate entered into the Participation Agreement, per day from the date of receipt of those funds. A Participating Candidate must return unexpended Matching Funds to the City for deposit into the Campaign Program Fund no later than 30 days after he or she is elected, defeated, or withdraws.

2.04.445 Insufficient Funds.

In the event that the funds available in the Campaign Program Fund are insufficient to provide every Participating Candidate with the funds he or she would be eligible to receive, the apportionment to each candidate is reduced proportionally until the total disbursement equals the amount of funds available.

2.04.450 Applicability

This program is available only to candidates in Citywide Council elections.

2.04.455 Penalties

In addition to the penalties and remedies provided for in 2.04.500, Participating Candidates are subject to the following additional penalties:

Participating Candidates who violate applicable Caps will be subject to a penalty up to the amount of the Matching Funds made available to the Candidate;

Participating Candidates who make expenditures in violation of section 2.04.422 are subject to a fine of up to twice the amount of the expenditure.

Section 5. Definitions. The following terms, when used and capitalized in this ordinance, shall have definitions stated below:

A. "City" means the City of Seattle.

B. "Proceeds" means that portion of regular property taxes levied and collected as authorized by voter approval pursuant to this ordinance that are above the limits on levies provided for in RCW 84.55.010, and all interest and other earnings derived from that portion of the levy.

Section 6. Levy of Regular Property Taxes - Submittal. The City hereby submits to the qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy limitation on regular property taxes contained in Chapter 84.55 RCW,

as it now exists or may hereafter be amended, for property taxes levied in 2013 through 2018 for collection in 2014 through 2019, respectively. The proposition shall be limited so that the City shall not levy more than \$2,000,000 in the first year, in addition to the maximum amount of regular property taxes it would have been limited to by RCW 84.55.010 in the absence of voter approval under this ordinance, plus other authorized lid lifts. Proceeds shall be used to provide funding for the Seattle Public Campaign Financing Program. Pursuant to RCW 84.55.050(4), the maximum regular property taxes that may be levied in 2019 for collection in 2020 and in later years shall be computed as if the levy lid in RCW 84.55.010 had not been lifted under this ordinance.

Section 7. A new Campaign Program Fund is created in the City Treasury, to which revenues may be deposited, and from which associated expenditures may be paid including, but not limited to, operating and City administration costs for the Seattle Public Campaign Financing Program.

Section 8. Application of Levy Proceeds. Unless otherwise directed by ordinance, Proceeds shall be deposited in the Campaign Program Fund. The Director of Finance and Administrative Services, or the Director's designee, is authorized to create subfunds or accounts within the Campaign Program Fund as may be needed or appropriate to implement the purposes of this ordinance. Proceeds may be temporarily deposited or invested in such manner as may be lawful for the investment of City money, and interest and other earnings shall be used for the same purposes as the Proceeds.

Section 9. Election - Ballot Title. The City Council directs that the City Clerk file this ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of elections, requesting that the Director of Elections call and conduct a special election in the City in conjunction with the general election to be held on November 5, 2013, for the purpose of submitting to the qualified electors of the City the proposition set forth in this ordinance. The City Clerk is directed to certify to the King County Director of Elections the ballot title approved by the City Attorney in accordance with his responsibilities under RCW 29A.36.071.

Section 10. Ratification. Certification of such proposition by the City Clerk to the King County Director of Elections in accordance with law prior to the date of such election on November 5, 2013, and any other act consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 11. The Seattle Ethics and Elections Commission will submit to the City Council, Mayor and citizens of Seattle annual progress reports on the Campaign Finance Program. The report shall be due to the City Council and Mayor by no later than March 1 of calendar years following each election.

Section 12. Any appeal of the City Attorney's Explanatory Statement for this proposition timely filed under SMC 2.14.030 shall be heard by the Office of the Hearing Examiner, not the Commission.

Section 13. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of its application to any person or circumstance, do not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 14. This ordinance shall take effect and be in force 30 days 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 Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 24th day of June, 2013, and signed by me in open session in authentication of its passage this 24th day of June, 2013.

/s/

President of the City Council

Approved by me this 1st day of July, 2013.

/s/

Michael McGinn, Mayor

Filed by me this 2nd day of July, 2013.

/s/

Monica Martinez Simmons, City Clerk

(Seal)

Date of publication in the Seattle Daily Journal of Commerce, October 7, 2013.

10/7(303185)

City of Seattle

CITY OF SEATTLE
ORDINANCE 124212
COUNCIL BILL 117814

AN ORDINANCE relating to public financing of political campaigns; providing for the submission to voters of the City, at an election to be held on November 5, 2013, of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional property taxes for up to six years for the purposes of establishing a public matching funds program for financing City Council election campaigns when certain qualifying conditions are met by candidates, and limiting campaign expenditures on City election campaigns of those who voluntarily enter the Public Campaign Financing Program; establishing a campaign matching fund account in the City Treasury; amending Subchapter V of chapter 2.04 of the Seattle Municipal Code and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts.

WHEREAS, the City of Seattle established a system for partial public financing of election campaigns in 1978; and

WHEREAS, the Fair Campaign Practices Act enacted following the passage of Initiative 134 in 1992 prohibited the use of public funds to finance state and local political campaigns; and

WHEREAS, in 2008, the Washington State Legislature amended RCW 42.17.128, which was later re-codified as 42.17A.550, allowing counties, cities and towns to establish public campaign financing programs funded through local revenue sources with the approval of voters; and

WHEREAS, in 2008, the City Council created through Resolution 31061 a Campaign Public Financing Advisory Committee (CPFAC) to evaluate public financing and develop a proposed program model; and

WHEREAS, the CPFAC issued a report recommending the City Council advance a proposal to create a public financing program for local election campaigns for consideration by Seattle voters; and

WHEREAS, in December of 2012, the City Council requested the Seattle Ethics and Elections Commission (SEEC) to review the 2008 CPFAC report and provide updated recommendations for Council consideration; and

WHEREAS, in March of 2013, the SEEC submitted a report to the City Council recommending specific public financing program parameters; and

WHEREAS, the City Council is committed to systemically improving the local electoral process through measures that reduce barriers to entry for candidates and broaden public participation in the electoral process; and

WHEREAS, the City Council is concerned about the rising costs associated with local election campaigns and the potential negative impact on public participation in the democratic process; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Findings

Based on City Council and public discussions with campaign public financing researchers and practitioners on January 31 and February 13, 2013 and recommendations from the Seattle Ethics and Elections Commission in their March 28, 2013 letter to the City Council, the City finds that it is in the best interest of the public to strengthen the local electoral process by reducing the financial barriers to entry for prospective candidates, increasing the role of small donors and diversifying the pool of donors to City Council races. The City finds there is public benefit to creating a voluntary program available to candidates running for the Seattle City Council to obtain public matching funds for certain political campaign activities if specific criteria and conditions are met.

Section 2. Administration of the Campaign Financing Program

The Seattle Ethics and Elections Commission is charged with implementing and administering the Seattle Public Campaign Financing Program ("Program"). Within 180 days of voter approval of the Program the Commission must:

- promulgate rules implementing the Program;
- recommend or propose legislation and changes to the Seattle Municipal Code as necessary to implement the Program;

State of Washington, King County

c) develop and make available to the public all forms and documents necessary to participate in the Program; and

d) establish processes and procedures for appeal of decisions of the Executive Director of the Ethics and Elections Commission.

Section 3. Subchapter V of Chapter 2.04 of the Seattle Municipal Code, which was last amended by Council Bill 117808, is amended as follows:

Subchapter V
(Voluntary Expenditure Limitations)
Seattle Public Campaign Financing Program

Section 4. Added to Subchapter V of Chapter 2.04 of the Seattle Municipal Code are Sections 2.04.400, 2.04.405, 2.04.410, 2.04.415, 2.04.420, 2.04.422, 2.04.425, 2.04.430, 2.04.435, 2.04.440, 2.04.446, 2.04.460, and 2.04.455 as follows:

2.04.400 Definitions.

The following terms, when used and capitalized in this ordinance, are defined as follows:

"Campaign Program Fund" means the fund established as the repository for the levy proceeds or other funds to support the Program;

"Cap" means maximum allowed Total Candidate Funds;

"Commission" means the Seattle Ethics and Elections Commission;

"Director" means the Executive Director of the Commission;

"Matchable Contribution" means a campaign contribution that is certified by the Director as having met the requirements of 2.04.405;

"Matching Funds" means the public funds given by the City to a Participating Candidate;

"Participating Candidate" means a person who has been certified by the Director as having met the requirements of 2.04.410;

"Participation Agreement" means a contract between a Participating Candidate and the City of Seattle detailing the responsibilities of the parties to the agreement;

"Program" means the Seattle Public Campaign Financing Program;

"Statement of Intent" means a statement by a candidate of his or her intention to participate in the Program; and

"Total Candidate Funds" means a candidate's cash on hand plus expenditures plus debts and obligations.

2.04.405 Matchable Contribution.

A Matchable Contribution for the Program must be a monetary contribution of no less than \$10.00 from a human who resides in the City of Seattle at the time the contribution is made. The contribution may be of any amount up to that allowed by 2.04.370.

2.04.410 Program Eligibility.

To qualify as a Participating Candidate and be eligible to receive public matching funds, a person must:

(a) have filed a Statement of Intent with the Commission no earlier than January 1 of the year of the election and no later than 14 days after filing a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(b) have filed a Participation Agreement with the Commission no later than 14 days after filing a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(c) have filed a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(d) be opposed by at least one person who has filed a Declaration of Candidacy for the same Seattle City Council position with King County Elections who is still in the election after the date set for withdrawal from the election, and who has at least \$6,000 in Total Candidate Funds in support of his or her candidacy;

(e) have received at least 600 Matchable Contributions between filing a Statement of Intent with the Director and no later than 21 days after the last day to file a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(f) agree to participate in a minimum of three public debates or candidate forums with at least one candidate during the course of the campaign; and

(g) have submitted all necessary documentation for qualification no later than 21 days after the last day to file a Declaration of Candidacy for a Seattle City Council position with King County Elections in the year of the election.

A candidate who qualifies for the Program is qualified for both the primary and general elections.

2.04.415 Qualification Process.

1. By December 1 of the year prior to an election year, the Commission must issue a schedule that sets the deadlines and process for qualification, including the form of the Statement of Intent and the Participation Agreement.

2. The Director must certify eligible candidates who have timely filed to participate in the Program within 15 days of the date on which the last of the conditions listed in SMC 2.04.410 is satisfied.

2.04.420 Program Structure.

A. Caps. For Participating Candidates the Cap for the primary election is \$140,000 and the Cap for the entire election is \$245,000.

B. Matching Funds. A Participating Candidate will be eligible for Matching Funds equal to the value, up to \$50,00, of each Matchable Contribution times six, provided that the resulting number may not exceed \$105,000 in the primary election and \$210,000 for the entire election. If a candidate's Total Candidate Funds, when added to the Matching Funds calculated as provided for here, would exceed the applicable Cap, the Matching Funds are reduced until the Cap is not exceeded.

2.04.422 Permissible Uses of Matching Funds.

A. Matching funds provided under the provisions of this chapter may be used only for expenditures by a Participating Candidate to further the candidate's nomination for election or election, either in a special election to fill a vacancy, or during the calendar year in which the primary or general election in which the candidate is seeking nomination for election or election is held.

B. Such public funds may not be used for:

- an expenditure in violation of any law;
- payments made to the candidate, except to reimburse a candidate for loans made by the candidate to the candidate's own political committee or campaign in an amount totaling no more than the amount provided in RCW 42.17A.446(3) and WAC 390-05-400;
- payments to the candidate's immediate family as defined in 4.16.030, or to a business, entity in which the candidate or the candidate's immediate family has a ten percent or greater ownership interest;

4. payments in excess of the fair market value of services, materials, facilities or other things of value received in exchange;

5. payment of any penalty or fine imposed pursuant to federal, state or local law;

6. payments for inaugural activities; or

7. payments in cash.

2.04.425 Lifting of a Cap.

STATE OF WASHINGTON -- KING COUNTY

--ss.

No.

301785
CITY OF SEATTLE, CLERKS OFFICE

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.

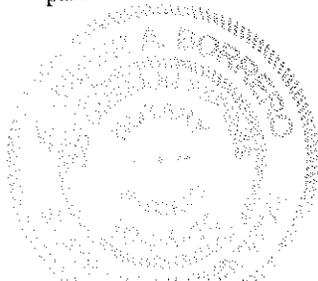
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:CORRECTION 124212

was published on

08/26/13

The amount of the fee charged for the foregoing publication is the sum of \$858.00 which amount has been paid in full.



Affidavit of Publication

[Signature]
Subscribed and sworn to before me on
08/26/2013 *[Signature]*

Notary public for the State of Washington,
residing in Seattle

City of Seattle

Correction: Ordinance 124212 was originally published by title on 7/12/13 and by full text on 7/22/13. The full text publication contained incorrect Council Bill and Ordinance numbers (Council Bill 117808 and Ordinance 124206). The correct numbers are Council Bill 117814 and Ordinance 124212.

ORDINANCE 124212 COUNCIL BILL 117814

AN ORDINANCE relating to public financing of political campaigns; providing for the submission to voters of the City, at an election to be held on November 5, 2013, of a proposition to lift the limit on regular property taxes under Chapter 84.55 RCW and authorize the City to levy additional property taxes for up to six years for the purposes of establishing a public matching funds program for financing City Council election campaigns when certain qualifying conditions are met by candidates; and limiting campaign expenditures on City election campaigns of those who voluntarily enter the Public Campaign Financing Program; establishing a campaign matching fund account in the City Treasury; amending Subchapter V of chapter 2.04 of the Seattle Municipal Code and adding new sections to chapter 2.04; and ratifying and confirming certain prior acts.

WHEREAS, the City of Seattle established a system for partial public financing of election campaigns in 1978; and

WHEREAS, the Fair Campaign Practices Act enacted following the passage of Initiative 134 in 1992 prohibited the use of public funds to finance state and local political campaigns; and

WHEREAS, in 2008, the Washington State Legislature amended RCW 42.17.128, which was later re-codified as 42.17A.650, allowing counties, cities and towns to establish public campaign financing programs funded through local revenue sources with the approval of voters; and

WHEREAS, in 2008, the City Council created through Resolution 31061 a Campaign Public Financing Advisory Committee (CPFAC) to evaluate public financing and develop a proposed program model; and

WHEREAS, the CPFAC issued a report recommending the City Council advance a proposal to create a public financing program for local election campaigns for consideration by Seattle voters; and

WHEREAS, in December of 2012, the City Council requested the Seattle Ethics and Elections Commission (SEEC) to review the 2008 CPFAC report and provide updated recommendations for Council consideration; and

WHEREAS, in March of 2013, the SEEC submitted a report to the City Council recommending specific public financing program parameters; and

WHEREAS, the City Council is committed to systemically improving the local electoral process through measures that reduce barriers to entry for candidates and broaden public participation in the electoral process; and

WHEREAS, the City Council is concerned about the rising costs associated with local election campaigns and the potential negative impact on public participation in the democratic process; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Findings

Based on City Council and public discussions with campaign public financing researchers and practitioners on January 31 and February 13, 2013 and recommendations from the Seattle Ethics and Elections Commission in their March 28, 2013 letter to the City Council, the City finds that it is in the best interest of the public to strengthen the local electoral process by reducing the financial barriers to entry for prospective candidates, increasing the role of small donors and diversifying the pool of donors to City Council races. The City finds there is public benefit to creating a voluntary program available to candidates running for the Seattle City Council to obtain public matching funds for certain political campaign activities if specific criteria and conditions are met.

Section 2. Administration of the Campaign Financing Program

The Seattle Ethics and Elections Commission is charged with implementing and administering the Seattle Public Campaign Financing Program ("Program"). Within 180 days of voter approval of the Program the Commission must:

- promulgate rules implementing the Program;
- recommend or propose legislation and changes to the Seattle Municipal Code as necessary to implement the Program;
- develop and make available to the public all forms and documents necessary to participate in the Program; and
- establish processes and procedures for appeal of decisions of the Executive Director of the Ethics and Elections Commission.

Section 3. Subchapter V of Chapter 2.04 of the Seattle Municipal Code, which was last amended by Council Bill 117808, is amended as follows:

Subchapter V

(Voluntary Expenditure Limitations) Seattle Public Campaign Financing Program

Section 4. Added to Subchapter V of Chapter 2.04 of the Seattle Municipal Code are Sections 2.04.400, 2.04.405, 2.04.410, 2.04.415, 2.04.420, 2.04.422, 2.04.425, 2.04.430, 2.04.435, 2.04.440, 2.04.445, 2.04.400 Definitions

The following terms, when used and capitalized in this ordinance, are defined as follows:

"Campaign Program Fund" means the fund established as the repository for the levy proceeds or other funds to support the Program;

"Cap" means maximum allowed Total Candidate Funds;

"Commission" means the Seattle Ethics and Elections Commission;

"Director" means the Executive Director of the Commission;

"Matchable Contribution" means a campaign contribution that is certified by the Director as having met the requirements of 2.04.405;

"Matching Funds" means the public funds given by the City to a Participating Candidate;

"Participating Candidate" means a person who has been certified by the Director as having met the requirements of 2.04.410;

"Participation Agreement" means a contract between a Participating Candidate and the City of Seattle detailing the responsibilities of the parties to the agreement;

"Program" means the Seattle Public Campaign Financing Program;

"Statement of Intent" means a statement by a candidate of his or her intention to participate in the Program; and

"Total Candidate Funds" means a candidate's cash on hand plus expenditures plus debts and obligations.

2.04.405 Matchable Contribution.

A Matchable Contribution for the Program must be a monetary contribution of no less than \$10.00 from a human who resides in the City of Seattle at the time the contribution is made. The contribution may be of any amount up to that allowed by 2.04.370.

2.04.410 Program Eligibility.

To qualify as a Participating Candidate and be eligible to receive public matching funds, a person must:

(a) have filed a Statement of Intent with the Commission no earlier than January 1 of the year of the election and no later than 14 days after filing a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(b) have filed a Participation Agreement with the Commission no later than 14 days after filing a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(c) have filed a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(d) be opposed by at least one person who has filed a Declaration of Candidacy for the same Seattle City Council position with King County Elections who is still in the election after the date set for withdrawal from the election, and who has at least \$6,000 in Total Candidate Funds in support of his or her candidacy;

(e) have received at least 600 Matchable Contributions between filing a Statement of Intent with the Director and no later than 21 days after the last day to file a Declaration of Candidacy for a Seattle City Council position with King County Elections;

(f) agree to participate in a minimum of three public debates or candidate forums with at least one candidate during the course of the campaign; and

(g) have submitted all necessary documentation for qualification no later than 21 days after the last day to file a Declaration of Candidacy for a Seattle City Council position with King County Elections in the year of the election.

A candidate who qualifies for the Program is qualified for both the primary and general elections.

2.04.415 Qualification Process.

1. By December 1 of the year prior to an election year, the Commission must issue a schedule that sets the deadlines and process for qualification, including the form of the Statement of Intent and the Participation Agreement.

2. The Director must certify eligible candidates who have timely filed to participate in the Program within 15 days of the date on which the last of the conditions listed in SMC 2.04.410 is satisfied.

2.04.420 Program Structure.

A. Caps. For Participating Candidates the Cap for the primary election is \$140,000 and the Cap for the entire election is \$245,000.

B. Matching Funds. A Participating Candidate will be eligible for Matching Funds equal to the value, up to \$50.00, of each Matchable Contribution times six, provided that the resulting number may not exceed \$105,000 in the primary election and \$210,000 for the entire election. If a candidate's Total Candidate Funds, when added to the Matching Funds calculated as provided for here, would exceed the applicable Cap, the Matching Funds are reduced until the Cap is not exceeded.

2.04.422 Permissible Uses of Matching Funds.

A. Matching funds provided under the provisions of this chapter may be used only for expenditures by a Participating Candidate to further the candidate's nomination for election or election, either in a special election to fill a vacancy, or during the calendar year in which the primary or general election in which the candidate is seeking nomination for election or election is held.

B. Such public funds may not be used for:

1. an expenditure in violation of any law;

2. payments made to the candidate, except to reimburse a candidate for loans made by the candidate to the candidate's own political committee or campaign in an amount totaling no more than the amount provided in RCW 42.17A.445(3) and WAC 390-05-400;

3. payments to the candidate's immediate family as defined in 4.16.030, or to a business entity in which the candidate or the candidate's immediate family has a ten percent or greater ownership interest;

4. payments in excess of the fair market value of services, materials, facilities or other things of value received in exchange;

5. payment of any penalty or fine imposed pursuant to federal, state or local law;

6. payments for inaugural activities; or

7. payments in cash.

2.04.425 Lifting of a Cap.

A. Non-participating Candidate Funds. In the event a non-participating candidate's Total Candidate Funds exceed the Cap, the Cap is removed for all Participating Candidates in the same election contest.

B. Independent Expenditures. If the combined total of the Independent Expenditure and the Total Candidate Funds of any candidate(s) who benefit(s) from the Independent Expenditure exceeds the Cap, the Cap is removed for all Participating Candidates who do not benefit in the same election contest.

1. If the candidate who benefits is a Participating Candidate, then the Cap shall remain in place for that candidate until such time another Participating Candidate exceeds the Cap in the same election contest.

2. The Director must post to the Commission website and notify all candidates in a race no later than three business days after learning of an Independent Expenditure pursuant to 2.04.270 a determination of which, if any, candidates are no longer subject to a Cap.

C. If a Participating Candidate's Cap is removed and that candidate's Total Candidate Funds exceed \$140,000 in the primary, then that candidate is required to adhere to a general election Cap of \$105,000. If a Participating Candidate's Cap is removed and that candidate's Total Candidate Funds do not exceed \$140,000 in the primary, then that candidate is required to adhere to the overall election Cap of \$245,000.

D. The Executive Director shall determine which candidates benefit from an Independent Expenditure. In making that determination the Director must consider the following factors:

1. whether the communication clearly identifies one or more candidates;
2. whether the communication clearly expresses support for or opposition to one or more candidates;
3. whether the communication clearly identifies and associates a candidate with a position on an issue and urges voters to take a particular action;
4. whether the communication distinguishes one or more candidates from each other in a campaign based on a position on an issue or in some other manner; and
5. any other factors deemed relevant by the Director.

2.04.430 Changes to the Program.

No more than 180 days after regular City Council elections, the Commission shall report to the City Council whether the Commission has determined that any changes would improve the Program and if so, details related to the specific recommendations. The City Council may, upon receipt of the Commission's report, change any existing dollar value, by no more than 15%, the existing number of Matchable Contributions required to participate in the Program by no more than 100, any of the dates or times for taking action under this ordinance, and other technical, non-substantive changes.

2.04.435 Disbursement of Funds.

A. Within one week of certifying that a candidate has qualified under 2.04.410 for the election in question, the Director must provide each Participating Candidate with the matching funds the candidate is, at that time, eligible to receive based on the candidate's Matchable Contributions and other limitations set forth here. This initial disbursement shall not exceed 50 percent of the Matching Funds available to the Candidate in the primary.

B. The Commission determines the information needed to submit a claim for subse-

quent payments of public funds. The Director must certify each request for payment of public funds within four business days of the request, except that within 14 calendar days before the election, when the certification of a request for public funds must be made within two business days of the request. Any submission of a claim for public funds must include a minimum of \$1,000 of Matchable Contributions; provided that in the 14 calendar days preceding an election, a claim must include a minimum of \$200 of Matchable Contributions. All claims for public funds must be submitted no later than 5:00 p.m. on the 30th day following the date of the election.

2.04.440 Return of Funds.

A Participating Candidate may withdraw from the Program. A Participating Candidate withdrawing from the Program must return all Matching Funds to the Campaign Program Fund with interest, assessed at the same rate as a 26-week US Treasury Bill issued the day the candidate entered into the Participation Agreement, per day from the date of receipt of those funds. A Participating Candidate must return unexpended Matching Funds to the City for deposit into the Campaign Program Fund no later than 30 days after he or she is elected, defeated, or withdraws.

2.04.445 Insufficient Funds.

In the event that the funds available in the Campaign Program Fund are insufficient to provide every Participating Candidate with the funds he or she would be eligible to receive, the apportionment to each candidate is reduced proportionally until the total disbursement equals the amount of funds available.

2.04.450 Applicability

This program is available only to candidates in Citywide Council elections.

2.04.455 Penalties

In addition to the penalties and remedies provided for in 2.04.500, Participating Candidates are subject to the following additional penalties:

A. Participating Candidates who violate applicable Caps will be subject to a penalty up to the amount of the Matching Funds made available to the Candidate;

B. Participating Candidates who make expenditures in violation of section 2.04.422 are subject to a fine of up to twice the amount of the expenditure.

Section 5. Definitions. The following terms, when used and capitalized in this ordinance, shall have definitions stated below:

A. "City" means the City of Seattle.

B. "Proceeds" means that portion of regular property taxes levied and collected as authorized by voter approval pursuant to this ordinance that are above the limits on levies provided for in RCW 84.55.010, and all interest and other earnings derived from that portion of the levy.

Section 6. Levy of Regular Property Taxes - Submittal. The City hereby submits to the qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy limitation on regular property taxes contained in Chapter 84.55 RCW, as it now exists or may hereafter be amended, for property taxes levied in 2013 through 2018 for collection in 2014 through 2019, respectively. The proposition shall be limited so that the City shall not levy more than \$2,000,000 in the first year, in addition to the maximum amount of regular property taxes it would have been limited to by RCW 84.55.010 in the absence of voter approval under this ordinance, plus other authorized lid lifts. Proceeds shall be used to provide funding for the Seattle Public Campaign Financing Program. Pursuant to RCW 84.55.050(4), the maximum regular property taxes that may be levied in 2019 for collection in 2020 and in later years shall be computed as if the levy lid in RCW 84.55.010 had not been lifted under this ordinance.

Section 7. A new Campaign Program Fund is created in the City Treasury to which revenues may be deposited, and from which associated expenditures may be paid including, but not limited to, operating and City administration costs for the Seattle Public Campaign Financing Program.

Section 8. Application of Levy Proceeds. Unless otherwise directed by ordinance, Proceeds shall be deposited in the Campaign Program Fund. The Director of Finance and Administrative Services, or the Director's designee, is authorized to create subfunds or accounts within the Campaign Program Fund as may be needed or appropriate to implement the purposes of this ordinance. Proceeds may be temporarily deposited or invested in such manner as may be lawful for the investment of City money, and interest and other earnings shall be used for the same purposes as the Proceeds.

Section 9. Election - Ballot Title. The City Council directs that the City Clerk file this ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of elections, requesting that the Director of Elections call and conduct a special election in the City in conjunction with the general election to be held on November 5, 2013, for the purpose of submitting to the qualified electors of the City the proposition set forth in this ordinance. The City Clerk is directed to certify to the King County Director of Elections the ballot title approved by the City Attorney in accordance with his responsibilities under RCW 29A.36.071.

Section 10. Ratification. Certification of such proposition by the City Clerk to the King County Director of Elections in accordance with law prior to the date of such election on November 5, 2013, and any other act consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 11. The Seattle Ethics and Elections Commission will submit to the City Council, Mayor and citizens of Seattle annual progress reports on the Campaign Finance Program. The report shall be due to the City Council and Mayor by no later than March 1 of calendar years following each election.

Section 12. Any appeal of the City Attorney's Explanatory Statement for this proposition timely filed under SMC 2.14.030 shall be heard by the Office of the Hearing Examiner, not the Commission.

Section 13. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of its application to any person or circumstance, do not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 14. This ordinance shall take effect and be in force 30 days 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 Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 17th day of June, 2013, and signed by me in open session in authentication of its passage this

17th day of June, 2013.

President of the City Council

Approved by me this 25th day of June, 2013.

Michael McGinn, Mayor

Filed by me this 25th day of June, 2013.

Monica Martinez Simmons, City Clerk

(Seal)

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