

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE making technical corrections to the Election Campaign Contributions Code, amending Sections 2.04.010, 2.04.150, 2.04.155, 2.04.180, 2.04.265, 2.04.270, 2.04.290, and 2.04.340.

WHEREAS, the State recently recodified its Elections Code, rendering outdated references to the State Code in Seattle's Code; and

WHEREAS, when it serves the public interest, the City strives for harmony between the provisions of State and City law; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 2.04.010 of the Seattle Municipal Code, last amended by Ordinance 124018, is amended as follows:

2.04.010 Definitions.

* * *

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

~~(a-)~~1. Solicits or receives contributions; or

~~(b-)~~2. Makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; or

~~(c-)~~3. Announces publicly or files for office; or

~~(d-)~~4. Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

1 "Person" means an individual, partnership, joint venture, public or private corporation,
2 association, federal, state or local government entity or agency however constituted, candidate,
3 committee, political committee, continuing political committee, political party, executive
4 committee thereof, or any other organization or group of persons, however organized.

5 * * *

6 "Public office" means any elective office of the City.

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8 "Sponsor" means the candidate, political committee or person paying for the political
9 advertising. If a person acts as an agent for another or is reimbursed by another for the payment,
10 the agent's principal or the source of the reimbursement is the sponsor.

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

13 ~~("Commission" means the Seattle Ethics and Elections Commission established by~~
14 ~~Section 3.70.010.~~

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

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

1 Section 2. Section 2.04.150 of the Seattle Municipal Code, last amended by Ordinance
2 116005, is amended as follows:

3 **2.04.150 Intent of chapter—~~((F))~~interpretation—~~((C))~~construction.**

4 A. It is the public policy of the City:

5 * * *

6 7. That it is desirable to have legislation at the municipal level complementary to
7 the concept of disclosure established in Initiative 276 (RCW Chapter ~~((42.17))~~42.17A);

8 * * *

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10 Section 3. Section 2.04.155 of the Seattle Municipal Code, last amended by Ordinance
11 123070, is amended as follows:

12 **2.04.155 Electronic filing required—~~((E))~~exemption.**

13 A. Each candidate or political committee that expects to receive or receives ~~((10,000))~~
14 \$5,000 or more in aggregate contributions during the applicable period must file all reports
15 required by this chapter with the City Clerk by electronic transmission of the required
16 information. All political committees that (1) are neither ballot proposition nor candidate
17 political committees, and (2) expect to make contributions or expect to make expenditures,
18 including independent expenditures of \$5,000 or more, in the aggregate during the applicable
19 period, to or for the benefit of candidates or candidate political committees or to or for the
20 benefit of ballot proposition political committees must file all reports required by this chapter
21 with the City Clerk by electronic transmission. The electronic format of the filing and the method
22 of transmission shall meet requirements designated in rules adopted by the Commission. In
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1 addition, each political committee that files electronically with the PDC must file electronically
2 with the City Clerk.

3 B. The Executive Director may exempt a candidate or a committee from the
4 requirements of this ~~((s))~~Section 2.04.155 where the candidate or the committee has shown that
5 the requirements constitute an undue burden.

6 Section 4. Section 2.04.180 of the Seattle Municipal Code, last amended by Ordinance
7 120831, is amended as follows:

8 **2.04.180 Contributions by written instrument or credit card—~~((D))~~deposit of**
9 **contributions in designated account.**

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11 A. No person may make a contribution of more than ~~((Fifty-five Dollars (\$55)))~~ \$60,
12 other than an in-kind contribution, except by a written instrument containing the name of the
13 contributor and the name of the payee, except that candidates and political committees may,
14 consistent with rules adopted by the Commission, receive contributions by credit card, if the
15 contributor's identity is verified as required for compliance with ~~((SMC))~~ Section 2.04.260.
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17 ~~((RCW 42.17.740(1).))~~

18 * * *

19 Section 5. Section 2.04.265 of the Seattle Municipal Code, last amended by Ordinance
20 123070, is amended as follows:

21 **2.04.265 Special reports of late contributions totaling ~~((One Thousand Dollars))~~ \$1,000 or**
22 **more—~~((€))~~certain late contributions prohibited.**

23 * * *

1 ~~((B. It is a violation of this chapter for any person to make or for any candidate or~~
2 ~~political committee to accept from any one (1) person contributions reportable under this chapter~~
3 ~~in the aggregate exceeding \$5,000 within the 21 days before a primary, general, or special~~
4 ~~election in which the candidate or ballot proposition appears on the ballot.))~~

5 Section 6. Section 2.04.270 of the Seattle Municipal Code, last amended by Ordinance
6 123070, is amended as follows:

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8 **2.04.270 Independent expenditures; contributions to out-of-state committees—~~((R))~~reports.**

9 * * *

10 C. A person with the expectation of making an independent expenditure or expenditures
11 by disseminating an advertising message or messages that the person reasonably expects to be
12 received, read, viewed or heard by 1,000 or more individuals in a single calendar year shall,
13 within two business days after the initial dissemination of the advertisement, deliver a copy of
14 each such advertisement to the offices of the Commission, along with a statement disclosing the
15 method of dissemination of the advertisement and an estimate of the expected quantity of the
16 advertising. This requirement applies only to all independent expenditures that are required to be
17 reported, i.e., an individual spending \$100 or more of his or her own funds and anyone spending
18 any amount of the funds of others. This disclosure does not substitute for the disclosure
19 requirements of other sections of this chapter. ~~((Ref. RCW 42.17.550.))~~

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22 Section 7. Section 2.04.290 of the Seattle Municipal Code, last amended by Ordinance
23 123070, is amended as follows:

24 **2.04.290 Identification of contributions and communications.**

1 A. No contribution shall be made and no expenditure shall be incurred, directly or
2 indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or
3 other person in such a manner as to conceal the identity of the source of the contribution or in
4 any other manner so as to effect concealment.

5 B.1. All audio and video broadcast political advertising, whether relating to candidates or
6 ballot propositions, ~~((shall include))~~ must state "paid for by" or "sponsored by," followed by the
7 sponsor's name. All other political advertising, whether relating to candidates or ballot
8 propositions, must state "paid for by" or "sponsored by," followed by the sponsor's name and
9 address. ~~((Political advertising paid for by someone other than an agent of the committee that~~
10 ~~benefits from the advertising, i.e., in-kind contributions, must state "paid for by..." followed by~~
11 ~~the name and address of the person who paid for the advertising, and "sponsored by" followed by~~
12 ~~the name and address of the committee(s) that will benefit from the advertising.))~~ The use of an
13 assumed name ~~((shall be))~~ is unlawful.

14 2. In addition to the materials required by subsection ~~((B1 of this section))~~
15 2.04.290.B.1, all political advertising undertaken as an independent expenditure by a person or
16 entity, other than a bona fide political party as defined in RCW ~~((42.17.020(5)))~~ 42.17A.005(6),
17 must include the following ~~((statement on))~~ as part of the communication: ~~(("~~
18 ~~VOTERS (Required by law): This advertisement is not authorized or approved by any candidate.~~
19 ~~It is paid for by (name, address, city, state)." If the advertisement undertaken as an independent~~
20 ~~expenditure is undertaken by a nonindividual, other than a bona fide political party as defined in~~
21 ~~RCW 42.17.020(5), then the following notation must also be included: "Top Five Contributors,"~~
22 ~~followed by a listing of the names of the five persons or entities who or which, during the 12-~~

1 ~~month period before the date of the advertisement, made to the sponsor of the advertisement the~~
2 ~~largest contributions reportable under this chapter.)~~)

3 (a) The statement: “No candidate authorized this ad. It is paid for by
4 (name, address, city, state)”;

5 (b) If the sponsor is a political committee, the statement: “Top Five
6 Contributors,” followed by a listing of the names of the five persons or entities making the
7 largest contributions in excess of \$700 reportable under this chapter during the twelve month
8 period before the date of the advertisement or communication; and

9 (c) If the sponsor is a political committee established, maintained, or
10 controlled directly, or indirectly through the formation of one or more political committees, by
11 an individual, corporation, union, association, or other entity, the full name of that individual or
12 entity.

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15 3. Political advertising costing \$1,000 or more supporting or opposing ballot
16 measures sponsored by a political committee must include the information on the "Top Five
17 Contributors" consistent with subsections 2.04.290.B.2.b. A series of political advertising
18 sponsored by the same political committee, each of which is under \$1,000, must include the
19 "Top Five Contributors" information required by Section 2.04.290 once their cumulative value
20 reaches \$1,000 or more.

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22 ~~((3))~~4. The statements and listings of contributors required by subsections ((B1
23 and B2 of this section shall))2.04.290.B.1, B.2, and B.3 must:

24 a. Appear on the first page or fold of the written communication in at least
25 ten-point type, or in type at least ten percent of the largest size type used in a written
26

1 communication directed at more than one voter, such as a billboard or poster, whichever is
2 larger;

- 3 b. Not be subject to the half-tone or screening process;
- 4 c. Be set apart from any other printed matter; and
- 5 d. Be clearly spoken on any broadcast advertisement.

6 Section 8. Section 2.04.340 of the Seattle Municipal Code, last amended by Ordinance
7 118569, is amended as follows:

8 **2.04.340 Personal use of contributions—~~((W))~~when permitted.**

9 Contributions received and reported under this chapter may be transferred to the personal
10 account of a candidate, or, in the case of a ballot proposition political committee, to the personal
11 account of a treasurer or other individual, or expended for such candidate's, treasurer's or
12 individual's personal use only under one ~~((4))~~ or more of the following circumstances:
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14 * * *

15 C. As repayment of loans made by the individual to political committees, which
16 repayment shall be reported pursuant to Section 2.04.250. Contributions may not be used,
17 however, to reimburse a candidate for loans made by the candidate to the candidate's own
18 political committee or campaign in an amount totaling more than the amount provided in RCW
19 ~~((42.17.125(3)))~~ 42.17A.445(3) and WAC 390-05-400;
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21 * * *

22 Section 9. This ordinance shall take effect and be in force 30 days after its approval by
23 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
24 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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Passed by the City Council the ____ day of _____, 2014, and
signed by me in open session in authentication of its passage this
____ day of _____, 2014.

President _____ of the City Council

Approved by me this ____ day of _____, 2014.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

Monica Martinez Simmons, City Clerk

(Seal)