



Seattle City Council

Central Staff – Memorandum

Date: May 18, 2015
To: Members of the City Council
From: Lish Whitson, Council Central Staff
Subject: Council Bill 118397, related to regulation of campaign activity

On May 12, the Mayor proposed Council Bill (C.B.) [118397](#) to strengthen ethics and election regulations. The proposed bill would amend Seattle Municipal Code (SMC) Section 2.04.300 to clarify that elected officials and their agents are both prohibited from conducting campaign activities alongside City-sponsored public events organized either by the elected officials or by their staff. This memorandum proposes an amendment to simplify and clarify the Executive's proposal. The Council's Education and Governance Committee will discuss the bill at their meeting on Wednesday, May 20.

The Executive's proposed bill would add a paragraph (underlined in yellow highlight) to the introductory section of SMC 2.04.300 to prohibit campaign activities at public events organized by public officials or their staff as follows:

SMC 2.04.300 Prohibition against use of public office facilities in campaigns

No elected official nor any employee of ~~((his or her))~~ an elected official's office nor any person appoint to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.

No elected official, nor the official's agent, shall engage in activities for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition at, or adjacent to, any official city public event that is organized by that elected official or any employee of the official's office. Activities for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition may not occur during the event or at any time that attendees of the public event are present.

Facilities of public office or agency include but are not limited to use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the officer or agency; provided, that the foregoing provisions of this section shall not apply to the following activities: ...

The Executive's proposal was intended to clarify that campaign activities organized by an elected official may not take place at public events organized by that same elected official or the elected official's staff.

Through discussions with Executive and Ethics and Elections Commission staff and the Law Department, it has been determined that there could be ambiguity in determining whether campaign activities are occurring "adjacent" to a city public event and there could be difficulty in tracking the "time that attendees of the public event are present." I recommend replacing the Executive's proposed paragraph with a new paragraph that does the following:

- Uses language from the existing code to define the prohibited activity (i.e. "use of any of the facilities of a public office or agency, directly or indirectly, for the purposes of assisting a campaign for election") and
- Provides a specific time limit (one hour) and a proximity limit (300 feet from the public event)¹ inside of which campaign activity is prohibited.

The proposed new paragraph would read as follows:

Use of any of the facilities of a public office or agency, directly or indirectly, for the purposes of assisting a campaign for election includes, but is not limited to, an elected official, or the official's agent, engaging in election campaign activities within 300 feet and one hour of any official City public event that is organized by that elected official or any employee of the official's office.

The Executive supports this change.

An amended version of the bill is attached, with the new language shown with a double underline and the proposed language to be replaced shown with a double strikeout.

¹ Three hundred feet is generally equivalent to one Downtown Seattle block including the width of the street. The southwest corner of Fifth Avenue and Cherry Street is approximately 300 feet from the southwest corner of Fifth Avenue and James Street. This proposed limit was borrowed from Washington State's past rules regarding the minimum permitted distance of campaign activities from polling stations.

CITY OF SEATTLE
ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE related to regulation of political campaigns; amending Section 2.04.300 of the Seattle Municipal Code to clarify proper uses of public office facilities for political purposes; and ratifying and confirming certain prior acts.

WHEREAS it is in the interest of the City of Seattle to ensure that no elected official be allowed to use taxpayer funded staff and resources to coordinate and assist their election campaigns; and

WHEREAS Seattle's ethics and elections codes are often cited as national models for upholding public trust and faith in the conduct of government employees and elected officials; and

WHEREAS the current election code is unclear on what is and is not an indirect use of City resources as it relates to political campaign activities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 2.04.300 of the Seattle Municipal Code, last amended by Ordinance 117308, is amended as follows:

2.04.300 Prohibition against use of public office facilities in campaigns((,))

No elected official nor any employee of ~~((his or her))~~ an elected official's office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

~~No elected official, nor the official's agent, shall engage in activities for the purpose of assisting a campaign for election of any person to any office or for the promotion of or~~

~~opposition to any ballot proposition at, or adjacent to, any official city public event that is organized by that elected official or any employee of the official's office. Activities for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition may not occur during the event or at any time that attendees of the public event are present.~~

Use of any of the facilities of a public office or agency, directly or indirectly, for the purposes of assisting a campaign for election includes, but is not limited to, an elected official, or the official's agent, engaging in election campaign activities within 300 feet and one hour of any official City public event that is organized by that elected official or any employee of the official's office.

Facilities of public office or agency include but are not limited to use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the officer or agency; provided, that the foregoing provisions of this section shall not apply to the following activities:

A. Action taken at an open public meeting by the City Council to express a collective decision or to actually vote upon a motion, proposal, resolution, order or ordinance, or to support or oppose a ballot proposition so long as:

((f))1.((g)) ((a))Any required notice of the meeting includes the title and number of the ballot proposition;((;)) and

((f))2.((g)) ((m))Members of the City Council or members of the public are afforded an approximate equal opportunity for the expression of an opposing view;

B. A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry; and

C. Activities that are part of the normal and regular conduct of the office or agency.

Section 2. Ratify and Confirm. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 3. 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 ____ day of _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)