

Seattle City Code, Title 2 – Elections

2.04.090 – Ethics and Elections Commission – Powers and Duties

The Commission shall have the following duties and powers:

A. The Commission shall hear and make written determination of complaints alleging violation of Chapter 2.04 or Chapter 2.06. All hearings shall be conducted as hearings of a "contested case" under the Administrative Code, insofar as the times and procedures of the Administrative Code are practical within the constraints of Section 2.04.075, and in accordance with the Commission's rules and regulations.

B. The Commission may require any person against whom a complaint has been filed, or any person who is reasonably believed to have information material to the determination of the charges before the Commission, to appear at a designated time and place in the City, to give such information under oath, and to produce all accounts, bills, receipts, books, papers, and documents which may be relevant or material to an investigation authorized by Chapter 2.04 or Chapter 2.06.

C. The Commission shall adopt, promulgate, amend and rescind suitable administrative rules and regulations for the conduct of hearings, which rules and regulations shall be promulgated pursuant to the provisions of the Administrative Code.

D. The Commission shall, upon proper application made to it, conduct hearings and, when appropriate, grant exemptions from the disclosure requirements of Chapter 2.04 as provided in Section 2.04.320 and from the registration and reporting requirements of Chapter 2.06 as provided in Section 2.06.070.

E. The Commission shall make public, pursuant to Section 2.04.075 C, not less than 24 hours in advance, the time and date of any hearing set to determine whether a violation has occurred and the question or issues to be considered.

F. The Commission shall review and may revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The Commission shall only revise the monetary reporting thresholds and reporting code values for the purpose of recognizing economic changes and changes to analogous state law reporting requirements. Revisions shall be adopted as rules under the Administrative Code.

2.04.155 – Electronic Filing Required – Exemption

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

2.04.165 – Reports of Personal Financial Affairs

Concealing Identity of Source of Payment is Prohibited—Exception. No payment shall be made to any person required to report under this chapter and no payment shall be accepted by any such person, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the payment or in any other manner so as to effect concealment except that the Commission may issue categorical and specific exemptions to the reporting of the actual source when there is an undisclosed principal for recognized legitimate business purposes.

2.04.210 – Unidentified Contributions

Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's campaign treasurer pursuant to Section 2.04.260 A2, that total in excess of one (1) percent of the total accumulated contributions received in the current calendar year or Three Hundred Dollars (\$300), whichever is more, shall not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained. If the donor's identity cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the State Treasurer for deposit in the State General Fund.

2.04.270 – Independent Expenditures; Contributions to Out-Of-State Committees – Reports

B. 1. Any person who contributes in the aggregate amount of \$100 or more during the preceding 12 month period to any political committee not domiciled in the state or not otherwise required to report under this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the City Clerk a report signed by the contributor disclosing the contributor's name and address, the date, nature, purpose, amount, and recipient of such contribution, and any instructions given as to the use or disbursement of such contribution.

2. The initial report shall be filed with the City Clerk within five days after the date on which the amount of \$100 or more is reached, and each subsequent report shall be filed within days after each subsequent contribution is made to the same such political committee.

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

2.04.280 – Commercial Advertisers' Duty to Report

A. Each commercial advertiser that has accepted or provided political advertising during the election campaign shall maintain open for public inspection during the campaign and for a period of no less than

three years after the date of the applicable election, during normal business hours, documents and books of account which shall specify:

1. The names and addresses of persons from whom it accepted political advertising;
2. The exact nature and extent of the advertising services rendered; and
3. The consideration and the manner of paying that consideration for such services.

B. Each commercial advertiser that must comply with subsection A of this section shall deliver to the Executive Director, upon his or her request, copies of such information as must be maintained open for public inspection pursuant to subsection A of this section.

2.04.290 – Identification of Contributions and Communications

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

B. 1. All audio and video broadcast political advertising, whether relating to candidates or ballot propositions, must state "paid for by" or "sponsored by," followed by the sponsor's name. All other political advertising, whether relating to candidates or ballot propositions, must state "paid for by" or "sponsored by," followed by the sponsor's name and address. The use of an assumed name is unlawful.

2. In addition to the materials required by subsection 2.04.290.B.1, all political advertising undertaken as an independent expenditure by a person or entity, other than a bona fide political party as defined in RCW 42.17A.005(6), must include the following as part of the communication:

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

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

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

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

4. The statements and listings of contributors required by subsections 2.04.290.B.1, B.2, and B.3 must:

- a. Appear on the first page or fold of the written communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;
- b. Not be subject to the half-tone or screening process;
- c. Be set apart from any other printed matter; and
- d. Be clearly spoken on any broadcast advertisement.

2.04.601 – No Campaign Contributions from City Contractors or Their PAC's

No Mayor, City Council member or City Attorney or any candidate for any such position shall knowingly accept any contribution directly or indirectly from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship with the City. No Mayor, City Council member or City Attorney or any candidate for any such position shall knowingly solicit a contribution for himself or herself or for any political party, political committee, campaign committee or public office fund, directly or indirectly from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship with the City. If the first sentence of this section is invalidated then no Mayor, City Council member or City Attorney or any candidate for any such position shall knowingly accept any contribution of more than \$250 in one calendar year, directly or indirectly, from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship with the City. If the second sentence of this section is invalidated then no Mayor, City Council member or City Attorney or any candidate for any such position shall knowingly solicit a contribution of more than \$250, for himself or herself or for any political party, political committee, campaign committee or public office fund, directly or indirectly from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship with the City. In all cases such a candidate or office holder may solicit and accept assignment of Democracy Vouchers without such solicitation or assignment being considered a violation of this section. If any part of this section is held invalid the remainder shall be construed to effect the anticorruption purposes of this section to the maximum extent allowable.

2.04.606 – Signature Gatherers Must Disclose if Paid for Signatures

Any person or entity that is a compensated or paid signature gatherer for any City of Seattle ballot measure, initiative, referendum, or charter amendment shall disclose to each person from whom a signature is sought, in writing via a conspicuous, legible sign, placard, or badge, stating "PAID SIGNATURE GATHERER."

2.04.607 – Three (3) Year Ban on mayor, Councilmember, City Attorney or Top Staff Paid Lobbying

A former Mayor, City Council member, City Attorney, or City Department head or the highest paid aide or employee directly reporting to any of the foregoing, may not, during the period of three years after leaving City office or position, participate in paid lobbying. If the foregoing sentence is invalidated, then a former Mayor, City Council member, City Attorney, or City Department head or the highest paid aide or employee directly reporting to any of the foregoing, may not, during the period of two years after leaving City office or position, participate in paid lobbying.

2.04.658 – Transparency

Assigning a Democracy Voucher is a public act and recipients of Democracy Vouchers shall expect same to be public and made public and shall have no expectation of privacy in registering to obtain Democracy Vouchers or in assigning same. All Democracy Voucher holders are on notice the process is public and transparent, except that SEEC shall not publish mail, email or other addresses to which Democracy Vouchers are sent. SEEC shall make transparent at its offices and on its website all assignments and redemptions of Democracy Vouchers including recipient name, Democracy Voucher identification number and suffix, date assigned, to whom assigned, when redeemed and amount redeemed. SEEC shall provide other necessary means to make the Seattle Democracy Voucher process and Program open and transparent so that each Democracy Voucher recipient and the media and public may track assignments of Democracy Vouchers to assist in exposing any potential forgery, fraud, or misconduct regarding same. If a Democracy Voucher recipient believes that his or her Democracy Voucher was lost, stolen or fraudulently or improperly assigned or redeemed, SEEC shall require a notarized declaration or affidavit or additional process in its judgment to find the relevant facts then provide relief it deems appropriate including Democracy Voucher replacement, cancellation of assignment or reimbursement of any improperly obtained Program funds. SEEC shall promulgate rules and regulations for such proceedings and cases where it receives duplicate copies of the same Democracy Voucher and shall ensure that any Democracy Voucher recipient may attempt to show, without any filing fee or charge, the facts of loss, theft, destruction or forgery of or duress in or other improper acts concerning or in the assignment of the Democracy Voucher. Such process shall include procedures through mails or in person and shall include an online process when and if SEEC develops same. SEEC shall also provide forms, and for in-person procedures, a notary at SEEC offices during normal business hours for this purpose, without charge. In all cases, no Democracy Voucher assignment shall be deemed invalid or revocable simply because the assignor changes opinion or changes his or her mind, gets new information from or about any candidate or campaign, or based on any allegation of misstatement or misinformation by any candidate or any person, or any other source, or for any reason other than duplicate voucher or forgery, threats, coercion, or physical duress, shown by clear and convincing evidence. SEEC shall issue regulations providing remedies and consequences for such acts, which may include, for sufficient material violation of Program requirements, campaign laws, or any acts of intentional forgery, threats, duress, or coercion in obtaining assigned Democracy Vouchers, an order requiring a candidate to return to the Program any proceeds of Democracy Vouchers or disqualifying a candidate from the Program.

2.08.020 – Preparation of Ballot Title

Upon receipt of such initiative measure, the City Attorney shall prepare and transmit to the City Clerk within five (5) business days after the filing of an initiative petition with the City Clerk a concise statement posed as a question and not to exceed seventy-five (75) words, bearing the serial number of the measure, which shall be filed by the City Clerk with the King County Director of Records and Elections. The statement may be distinct from the legislative title of the measure, and shall contain the essential features of such measure expressed in such a manner as to clearly identify the proposition to be voted upon and giving a true and impartial statement of the purpose of such measure, and shall not be intentionally an argument, nor likely to create prejudice, either for or against the measure. Such concise statement shall constitute the ballot title of the measure unless changed on appeal as provided in RCW 29.27.067.