CITY OF KIRKLAND
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MEMORANDUM

To: David Ramsay, City Manager

From: Robin S. Jenkinson, City Attorney

Date: March 8, 2007

Subject: Campaign Donation Limits/Limits on Campaign Expenditures

As the Council is aware, the Kirkland Municipal Code currently does not address limitations on campaign contributions nor expenditures. In the fall of 2006, the City Council requested examples from other cities concerning these types of limits. A memorandum was provided to the Council describing the limitations set by the only two jurisdictions which I could locate which set limits on campaign contributions: Seattle and King County. Similarly, I was only able to locate two cities which set limits on campaign expenditures: Seattle and Richland. For ease of reference the relevant provisions from the respective codes are set forth below.

City of Richland

Under the Richland Municipal Code, a candidate for the City Council is advised, by the City Clerk, of the City's Council's recommended maximum campaign expenditure for a City Council position. For the general election only, the maximum amount is 35% of the annual salary for the council position at the time of filing. For the primary and general election, the maximum amount is 50% of the annual salary for the council position at the time of filing. The City Clerk is responsible for monitoring the expenditures of the candidates. When a candidate exceeds the recommended limits, the City Clerk publishes a display advertisement in a local newspaper weekly until the City Council campaign has ended. Richland Municipal Code, Sections 1.01.055 – 1.01.070. (Attached as Attachment A.)

City of Seattle

The Seattle Municipal Code includes limitations on the amount that may be contributed to candidates. No "person," defined as an individual, business, or corporation, may currently contribute more than $700.00 to any candidate for Mayor, City Council, or City Attorney during an "election cycle." An election cycle is a four-year period. It begins on May 1 three and a half years before the general election and ends on April 30 of the year following the general election for the office the candidate is seeking. The dollar limit is reevaluated by the Seattle Ethics & Election Committee in March of every even-numbered calendar year based upon changes in the Implicit Price Deflator of the United States Domestic Product. There are exceptions to the contributions dollar limit for contributions from a spouse's separate property and the value of in-kind labor. In addition, candidates may only accept or receive a campaign contribution during

an election cycle. The Code also addresses the reporting and disposition of campaign funds after election, including the handling of surplus funds. Seattle Municipal Code, Sections 2.04.340 -2.04.375. (Attached as Attachment B.)

The Seattle Municipal Code still contains sections on voluntary campaign expenditure limitations and matching public funds, although the use of public funds for state or local office to finance political campaigns was prohibited with the approval of Initiative 134, by the voters, in 1992. This prohibition has been codified in RCW 42.17.128. Under the Seattle public financing provisions, a candidate who agreed to limit his or her personal contributions and meet the applicable expenditure limits in any campaign year was eligible to receive public matching funds. Following the approval of Initiative 134, the Seattle program, while still appearing in the Code, has not been used. Seattle Municipal Code, Sections 2.04.400 – 2.04.470. (Attached as Attachment C.)

King County

The King County Code includes mandatory limitations on campaign contributions. The limitations apply to elections for the offices of King County Executive, Council, Sheriff, and Assessor. Currently, all persons and organizations, including political committees, are prohibited from making contributions which total more than $1,400 in the aggregate during the "election cycle." The election cycle is the time between the general election, primary, or special election for the office in question and the date an individual becomes a candidate for such office and ends when the campaign is closed. At the beginning of each even-numbered calendar year, the dollar limit is increased or decreased by the King County Records and Election Division based upon changes in the inflationary index used by the Public Disclosure Commission. King County Code, Chapter 1.05. (Attached as Attachment D.)

Implications for Kirkland

Currently, candidates for office in the City of Kirkland, simply file their campaign disclosure forms with the Washington State Public Disclosure Commission (PDC). The primary issues or concerns that I see with respect to local limitations on campaign financing are: 1) How are the limitations enforced?; and 2) Who is responsible for enforcement?

You will note that in the City of Richland, once a candidate exceeds the recommended limits on campaign expenditures, the City Clerk publishes a display advertisement in a local newspaper until the City Council campaign has ended. *See* Richland Municipal Code, Section 1.070, "Publication."

In Seattle, the Seattle Ethics and Elections Commission (SEEC) is responsible for enforcing the City's Ethics, Elections, Elections Pamphlet, and Whistleblower Protection Codes. The SEEC is an independent, seven-member committee of citizen volunteers. The Mayor and City Council each appoint three members and the SEEC members select the seventh. The members serve for three-year terms. The SEEC is assisted by a paid, professional staff. In 2006, the SEEC had 5.2 full-time equivalent employees and a budget of $563,242.

In King County, candidates for Executive, Assessor, Sheriff and County Council file duplicate copies of what their campaigns file with the State PDC. When a candidate exceeds the campaign contribution limit, the campaign coordinator in the Records, Elections and Licensing Services Division notifies the campaign

treasurer by telephone of the overage. This might necessitate issuing a refund to the contributor and reporting the correction on the appropriate PDC form. (Form C4, "Campaign Summary Receipts and Expenditures.) If a campaign fails to comply with the limits after notification, a certified letter is sent. If the campaign still does not comply, the matter is referred to the Prosecuting Attorney's Office, a separately elected official. Because King County has hard copies of the completed PDC forms on file, people are able to make public records requests of the County for these forms.

If the City Council considers adopting campaign donation limits for the City of Kirkland, the means of enforcing the limits will require some careful thought.

Please let me know if you have any questions.

Attachments

Richland Municipal Code, Sections 1.01.055 – 1.01.070	Attachment A
Seattle Municipal Code, Sections 2.04.340 – 2.04.375	Attachment B
Seattle Municipal Code, Sections 2.04.400 – 2.04.470	Attachment C
King County Code, Chapter 1.05	Attachment D

1.01.050 Holding Office Positions in Outside Organizations
Council Members who seek appointment or run for office in regional, state, national or international organizations where the possibility exists that they may be required to attend meetings outside our local area at City expense, shall obtain council approval prior to accepting an appointment or seeking an office in the outside organization. (Ord. 37-91).

1.01.055 Notification
Following the filing with the Benton County Auditor by a candidate for the office of City Council, and the receipt by the Richland City Clerk of said filing, the City Clerk shall advise the candidate of the City Council's recommended maximum expenditure for a City Council position. (Ord. 2-93).

1.01.060 Reasonable Maximum Expenditure
The Richland City Council has set the following limits as being reasonable maximum expenditures for campaigns for City Council:

A. General Election only - maximum of 35% of the annual salary for the council position at the time of filing for that position;
B. Primary and General Election - maximum of 50% of the then current annual salary for the council position at the time of filing for that position.

The City Clerk, in making calculations, shall round up to the nearest ten dollars. This monetary limit may be modified by the City Council by amendment to this code section following the procedure for ordinance adoption. (Ord. 2-93).

1.01.065 Monitoring of Campaign Expenditures
The Richland City Clerk shall be responsible for monitoring expenditures by candidates and shall follow the procedure below:

A. All candidates for the Richland City Council shall file copies of their financial reports with the Richland City Clerk at the same time they file them with the Washington State Public Disclosure Commission and the Benton County Auditor.
B. The City Clerk shall keep a running tally of each candidate's campaign expenditures, based on the campaign financial reports.
C. When one or more candidates exceed the recommended limits, as applicable, the City Clerk shall prepare an announcement of that fact as described in Section 1.01.070 that includes the name(s) and amount(s) spent on the campaign by any and all candidates whose campaign spending has exceeded the amount specified in this ordinance.
D. Once a candidate has exceeded the limit, the City Clerk shall review all candidates' to-date expenditures and reissue the announcement with applicable additions and/or changes weekly. (Ord. 2-93).

1.01.070 Publication
Once a candidate exceeds the recommended limits, the City Clerk shall publish a display advertisement in a local newspaper weekly until the City Council campaign has ended. This notice shall include the following information:

A. A statement that certain candidates for City Council have spent beyond the limits recommended by City ordinance.
B. A list of all positions and respective candidates together with their respective to-date expenditures. The names of those candidates who have exceeded the recommended limits shall be highlighted with an asterisk or other symbol and an appropriate footnote shall provide the meaning of the symbol.
C. A statement of the City Council policy. If a candidate exceeds the established limit during a primary and does not qualify for the general election, his/her name and expenses need not be placed in the published notice thereafter except the post election notice described herein. If any candidate has exceeded the established limits during the campaign, the City Clerk shall prepare a final updated notice similar to the others and issue it after the date on which the candidates must file their final financial reports with the public disclosure commission. The City Clerk shall confirm the final amounts with the public disclosure commission prior to publication of the final notice to the public. (Ord. 2-93).

ATTACHMENT B

Seattle Municipal Code

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter IV Campaign Contributions Limited

SMC 2.04.340 Personal use of contributions -- When permitted.

Contributions received and reported under this chapter may be transferred to the personal account of a candidate, or, in the case of a ballot proposition political committee, to the personal account of a treasurer or other individual, or expended for such candidate's, treasurer's or individual's personal use only under one (1) or more of the following circumstances:

A. As reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The political committee shall maintain such information in the campaign records;

B. As reimbursement for direct out-of-pocket election campaign and post-election campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall maintain such information in the campaign records;

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

D. As payment of salary, wages and benefits or any other payment for services rendered by an individual to a campaign, but not in payment for services rendered by a candidate to that candidate's campaign.

(Ord. 118569 Section 17, 1997.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter IV Campaign Contributions Limited

SMC 2.04.350 Findings of fact -- Limitations to be imposed.

A. The City finds that, in the interest of the public health, safety and welfare, the municipal election process and municipal government should be protected from undue influence by individuals and groups making large contributions to the election campaigns of candidates for Mayor, City Council and City Attorney.

B. The City finds that, in the interest of the public health, safety and welfare, the municipal election process and municipal government should be protected from even the appearance of undue influence by individuals or groups contributing to candidates for Mayor, City Council and City Attorney.

C. The City therefore finds that limitations on contributions of money, services and materials by individuals or groups to municipal election campaigns should be imposed by law to protect the public health, safety and welfare. These limitations, however, should be reasonable, so as not to discourage personal expression.

(Ord. 116368 Section 20, 1992: Ord. 110909 Section 2(part), 1982: Ord. 107772 Section 1(part), 1979: Ord. 106653 Section 13-A, 1977.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter IV Campaign Contributions Limited

SMC 2.04.360 Application.

Sections 2.04.350 through 2.04.370 and 2.04.400 through 2.04.480 only to candidates in any primary, general or special election for the offices of Mayor, City Council and City Attorney of The City of Seattle.

(Ord. 116368 Section 21, 1992: Ord. 110909 Section 2(part), 1982: Ord. 107772 Section 1(part), 1979: Ord. 106653 Section 13-B, 1977.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter IV Campaign Contributions Limited

SMC 2.04.370 Mandatory limitations on contributions.

A. No person shall make a contribution to any candidate for Mayor, member of the City Council, or City Attorney of the City, except in the election cycle for that candidate as defined in Section 2.04.010 [redacted] (7).

B. No person shall contribute more than Six Hundred Dollars ($600) to any candidate for Mayor, member of the City Council, or City Attorney of the city, in any election cycle.

C. A candidate for Mayor, member of the City Council, or City Attorney of the City, may only accept or receive a campaign contribution during an election cycle as defined in Section 2.04.010 [redacted] (7).

D. No candidate for Mayor, member of the City Council or City Attorney of the City shall solicit or receive campaign contributions of more than Six Hundred Dollars ($600) from any person in any election cycle; provided:

1. a. The limitations imposed by this section shall not apply to a candidate's contributions of his or her own resources to his or her own campaign, or contributions to the candidate's campaign by the candidate or the candidate's spouse of assets of their marital community;

b. The limitations imposed by this section apply to contributions of the candidate's spouse's separate property;

2. The limitations imposed by this section shall not apply to independent expenditures as defined by this chapter; and

3. The limitations imposed by this section shall not apply to the value of in-kind labor; and

4. The limitations imposed by this section shall not apply to contributions consisting of the rendering of clerical or computer services on behalf of a candidate or an authorized political committee, to the extent that the services are for the purpose of ensuring compliance with City, county, or state election or public disclosure laws.

E. Adjustment Index.

1. In March of each even-numbered calendar year, the Commission shall promulgate a rule in accordance with Chapter 3.02 of the Seattle Municipal Code. This Rule may increase the dollar amount in subsection A based on changes in economic conditions as reflected by the Implicit Price Deflator of the United States Domestic Product as published by the United States Department of Commerce Bureau of Economic Analysis (IPD). If application of the IPD would result in a decrease in the dollar amount, the dollar amount shall remain unchanged.

2. The new dollar amounts established by the Commission shall be determined by multiplying the base amount provided in this section (Six Hundred Dollars $600)) by the percentage change in the most recently published IPD since January 1, 2000. The resulting amount shall be added to the amount derived from the multiplication of the base amount, and the amount resulting from that calculation shall be rounded to the nearest whole dollar amount that can be divided by fifty (50). In cases where the unrounded amount derived from this procedure is exactly Twenty-five Dollars ($25) different from the two (2) nearest numbers evenly divisible by Fifty Dollars ($50), the amount shall be rounded up to the next number evenly divisible by Fifty Dollars ($50). The new dollar amount shall become effective May 1st of the even-numbered calendar year. Once adopted, any increase in the contribution limit shall be effective for all election cycles that have not ended by May 1st of that even-numbered year.

3. This subsection shall expire six (6) years after the effective date of the enabling ordinance.1

(Ord. 120831 Section 11, 2002; Ord. 120321 Section 1, 2001; Ord. 120145 Section 11, 2000: Ord. 118569 Section 18, 1997; Ord. 117308 Section 13, 1994: Ord. 116368 Section 22, 1992; Ord. 110909 Section 2(part), 1982: Ord. 107978 Section 1, 1979: Ord. 107772 Section 1(part), 1977: Ord. 106653 Section 13-C, 1977.)

1. Editor's Note: Ordinance 120321 was passed by the City Council April 9, 2001.

Editor's Note: Ethics and Election Commission Rules regarding the adjusted contribution limit can be found on the Seattle City Clerk's website (http://clerk.ci.seattle.wa.us) by clicking the link entitled Seattle Election Code Administrative Rules. These rules may also be found in the Seattle City Clerk's Office.

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter IV Campaign Contributions Limited

SMC 2.04.375 Reporting and disposition of campaign funds after election.

A. 1. Each candidate or supporting committee for a candidate for City office, including the offices of Mayor, City Attorney or member of the City Council, shall cease receipt of campaign contributions and dispose of the funds remaining in the campaign account in accordance with subsection B below, on or before the thirtieth day of April in the year following the date of the election for the office the candidate sought, except for special elections. In the case of a special election, each candidate or supporting committee for a candidate shall cease receipt of campaign contributions and dispose of the funds remaining in the campaign account, in accordance with subsection B below, on or before the thirtieth day of the fifth month after the special election for the office the candidate sought. By the tenth day of May in the year after the election for the office the candidate sought, each candidate or supporting committee for a candidate shall file a final report reflecting the disposition of the remaining funds, except for special elections. In the case of a special election, each candidate or supporting committee for a candidate shall file that final report by the tenth day of the sixth month after the special election for the office the candidate sought.

2. If a candidate or supporting committee for a candidate for City office has campaign debt outstanding on April 30th in the year following the date of the general election for the office the candidate sought, or on the thirtieth day of the fifth month after the special election for the office the candidate sought, the debt may be transferred to a new campaign of the same candidate for the same office.

3. Except for supporting committees for candidates that are governed by subsection A1 of this section and continuing political committees, each political committee (hereafter in this subsection A3 "committee") shall cease receipt of contributions and dispose of the funds remaining in the campaign account, in accordance with subsection B below, on or before the thirtieth day of April in the year following the date of the election for which the committee received contributions or made expenditures, except for special elections. In the case of a special election, each committee shall cease receipt of contributions and dispose of the funds remaining in the campaign account, in accordance with subsection B below, on or before the thirtieth day of the fifth month after the special election for which the committee received contributions or made expenditures. By the tenth day of May in the year after the election fore which the

committee received contributions or made expenditures, each committee shall file a final report reflecting the disposition of the remaining funds, except for special elections. In the case of a special election, each committee shall file that final report by the tenth day of the sixth month after the special election for which the committee received contributions or made expenditures.

4. Except for supporting committees for candidates that are governed by subsection A2 of this section and continuing political committees, if a political committee (hereafter in this subsection A4 "committee") has campaign debt outstanding on April 30th in the year following the date of the general election for which the committee received contributions or made expenditures, or on the thirtieth day of the fifth month after the special election for which the committee received contributions or made expenditures, the debt may be transferred to another political committee or to a continuing political committee, which shall, until such debt has been paid or forgiven, file the reports that would have been required of the committee transferring the debt had that committee not filed its final report under subsection A3 of this section.

B. The surplus funds, including each capital asset for which the campaign paid Two Hundred Dollars ($200) or more, or reported as an in-kind contribution with a value of Two Hundred Dollars ($200) or more, of a candidate, of a political committee supporting a candidate, of a political committee supporting or opposing a ballot proposition, and of a continuing political committee may be disposed of only in one (1) or more of the following ways:

1. Return the surplus to contributors in respective amounts not to exceed each contributor's original contribution;

2. Transfer the surplus to the personal account of a candidate, or of a treasurer or other individual as reimbursement for lost earnings incurred as a result of the election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate, treasurer or individual is not salaried, as an amount not to exceed income received by the candidate, treasurer, or individual for services rendered during an appropriate corresponding time period. All lost earnings incurred shall be documented, and a record thereof shall be maintained by the candidate, treasurer, or individual or by the political committee as the lost earnings accrue. The committee shall maintain such information as a part of the campaign records;

3. Transfer the surplus to a political party or to a caucus of the state legislature;

4. Donate the surplus to a charitable organization registered in accordance with RCW Chapter 19.09;

5. Transmit the surplus to the state treasurer for deposit in the general fund;

6. Hold the cash surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 and in the case of capital assets hold them in the custody of the candidate or officer of the campaign committee for possible use in a future election campaign for the same office last sought by the candidate or for a future election campaign for a ballot proposition on the same topic, and report the transfer of such funds or assets as a disposition in accordance with

RCW 42.17.090 and SMC Section 2.04.260. If the candidate subsequently announces or publicly files for office, or if a ballot proposition political committee is established for a future proposition on the same topic, information as appropriate shall be reported in accordance with RCW 42.17.040 through 42.17.090 and SMC Sections 2.04.170 through 2.04.260. If a subsequent office is not sought, or if a subsequent election campaign for a ballot proposition on the same topic does not occur, the surplus held shall be disposed of in accordance with the requirements of this chapter;

7. A candidate who was elected to the office sought, or that candidate's political committee, may hold the surplus campaign funds in a separate account for that individual's nonreimbursed expenses of that public office and report any such disposition in accordance with SMC 2.04.480 (F).The separate account required under this subsection shall not be used for deposits of campaign funds that are not surplus or of office funds solicited or received under SMC Section 2.04.480;

8. A ballot proposition political committee may become a continuing political committee and use the funds to support or oppose candidates and ballot propositions and must report in accordance with SMC Sections 2.04.230 through 2.04.290; or

9. With the written approval of the contributor, a candidate or the candidate's political committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate or the candidate's political committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with this chapter.

(Ord. 120145 Section 12, 2000: Ord. 118569 Section 19, 1997; Ord. 117308 Section 14, 1994.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

ATTACHMENT C

Seattle Municipal Code

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter V Voluntary Expenditure Limitations

SMC 2.04.400 Findings of fact -- Program for public matching funds.

The City finds it is in the public interest to encourage the widest participation of the public in the electoral process, to reduce the dependence of candidates on large contributions, and to increase public knowledge of the candidates and of election issues. The City finds that voluntary campaign expenditure limitations coupled with provisions of public funds for campaign purposes are necessary to further these public interests at a reasonable cost to the City and that such a program should be established.

(Ord. 112005 Section 2(part), 1984.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter V Voluntary Expenditure Limitations

SMC 2.04.410 Campaign contract.

A. Effective with elections for City officers in 1987, a candidate for Mayor, City Council or City Attorney may sign a contract with the City agreeing to abide by limitations on candidates' contributions, limitations on campaign expenditures, and limitations on the use of all contributions as specified in this chapter in exchange for public matching funds.

B. The campaign contract must be signed by the individual candidate either within thirty (30) days after the individual becomes a candidate as defined in RCW 42.17.020, or at the time of filing for said office, whichever is earlier.

(Ord. 116368 Section 23, 1992: Ord. 112005 Section 2(part), 1984.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

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Title 2 - ELECTIONS
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Subchapter V Voluntary Expenditure Limitations

SMC 2.04.420 Candidates' contribution limitations.

A candidate who signs a campaign contract shall make no contribution to his/her own campaign or political committee which in the aggregate exceeds three (3) percent of the applicable expenditure limit in any campaign year.

(Ord. 112005 Section 2(part), 1984.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter V Voluntary Expenditure Limitations

SMC 2.04.430 Expenditure limitations.

A. A candidate who signs a campaign contract in accordance with Section 2.04.410 [redacted], shall not, during the campaign year, make expenditures exceeding the aggregate amount of Two Hundred Fifty Thousand Dollars ($250,000) for the office of Mayor or One Hundred Ten Thousand Dollars ($110,000) for the offices of City Councilmember or City Attorney. Provided, that no more than seventy-five (75) percent of the applicable expenditure limitation shall be expended through the day of the primary election.

B. Independent expenditures, as defined in this chapter, shall not be included in the computation of a candidate's expenditures.

(Ord. 116368 Section 24, 1992: Ord. 115017 Section 1, 1990: Ord. 112005 Section 2(part), 1984.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

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Subchapter V Voluntary Expenditure Limitations

SMC 2.04.440 Eligibility for public matching funds.

A. To be eligible to receive public matching funds, a candidate for Mayor, City Council or City Attorney must meet the requirements of the City Charter1 and during the campaign year:

1. For the office of Mayor receive three hundred (300) contributions of Ten Dollars ($10) or more;

2. For the offices of City Council or City Attorney receive two hundred (200) contributions of Ten Dollars ($10) or more.

B. For the purposes of establishing eligibility under this section, only those contributions received from residents of the City shall be counted toward the requirement.

C. Candidates must submit evidence of meeting the eligibility requirements of this section to the Office of Election Administration for verification. Upon verification of eligibility, a candidate who has signed a campaign contract shall be eligible to receive public matching funds; provided that no such funds shall be disbursed to any qualified candidate prior to January 1st of the campaign year in which the election is held; and provided further, that any candidate who received public matching funds and later fails to file for public office or withdraws his/her candidacy after filing, shall return to the appropriate City account an amount equal to the public funds disbursed to that candidate.

(Ord. 116368 Section 25, 1992; Ord. 112005 Section 2(part), 1984.)

1. Editor's Note: The Charter is included at the beginning of this Code.

Cases: Seattle campaign financing ordinance held valid against contention that it authorized a public gift or subsidy in violation of Article 8, Section 7 of the Washington State Constitution or allowed use of public office or agency facilities for campaigns in violation of RCW 42.17.130 and the Seattle Charter. City of Seattle v. State, 100 Wn.2d 232, 668 P.2d 1266 (1983).

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter V Voluntary Expenditure Limitations

SMC 2.04.450 Public matching funds -- Specifications.

A. Effective with elections for City offices in 1987 a candidate who has met the eligibility requirements for public matching funds and who has signed a campaign contract shall be entitled to receive One Dollar ($1) in public matching funds for every One Dollar ($1) from any individual during the year preceding the date of the applicable general election to a maximum public match of Fifty Dollars ($50) per individual contributor. Neither loans nor the transfers of anything of value other than money to the candidate or his/her political committee shall be matched with public funds.

B. A candidate who signs a campaign contract is eligible to receive public matching funds until it is determined that such candidate has no opponent at the close of the filing period or after the primary election as provided by law. For purposes of this section, a write-in candidate shall not be considered an opponent.

C. If following the election wherein the candidate is elected or defeated, the candidate has unexpended campaign funds, one-half (1/2) of such surplus shall be returned to the appropriate City account within ten (10) days of certification of the election.

D. A candidate who has signed a campaign contract may void his/her contract within fifteen (15) days after the close of filing; provided, an opponent of that candidate does not enter into a campaign contract pursuant to this chapter and provided further, that the candidate returns all public funds received pursuant to this chapter.

(Ord. 112005 Section 2(part), 1984.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

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Title 2 - ELECTIONS
Chapter 2.04 - Election Campaign Contributions
Subchapter V Voluntary Expenditure Limitations

SMC 2.04.460 Payment of matching funds.

A. There is hereby established in the City Treasury a campaign matching fund account into which shall be deposited whatever sums the City may receive or allocate from time to time or during the annual budget process for campaign matching purposes.

B. Candidates entitled to public matching funds shall be paid upon the voucher of the Administrator.

(Ord. 112005 Section 2(part), 1984.)

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

Seattle Municipal Code

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SMC 2.04.470 Permitted uses of public matching funds.

Public matching funds may be expended only for the receiving candidate's direct campaign purposes such as, but not limited to, purchasing campaign literature or media space or time, mailings, renting campaign headquarters, or paying for campaign headquarters telephones. A candidate who signs a campaign contract may use neither contributions nor matching funds for indirect campaign purposes such as, but not limited to, providing a candidate' s personal support, or for donation to another's campaign. Permissibility of an expenditure of public matching funds shall be determined by the Office of Election Administration.

(Ord. 112005 Section 2(part), 1984.)

Cases: Seattle campaign financing ordinance held valid against contention that it authorized a public gift or subsidy in violation of Article 8, Section 7 of the Washington State Constitution or allowed use of public office or agency facilities for campaigns in violation of RCW 42.17.130 and the Seattle Charter. City of Seattle v. State, 100 Wn.2d 232, 668 P.2d 1266 (1983).

Link to Recent ordinances passed since 6/19/06 which may amend this section. (Note: this feature is provided as an aid to users, but is not guaranteed to provide comprehensive information about related recent ordinances. For more information, contact the Seattle City Clerk's Office at 206-684-5175, or by e-mail at clerk@seattle.gov)

1.05.010 Findings of fact.

A. The county finds that, in the interest of the public health, safety and welfare, it is necessary to safeguard the integrity of the political process. Therefore, the county election process and county government should be protected from undue influence by individuals and groups making large contributions to the election campaigns of candidates for executive, county council, sheriff, and assessor.

B. The county finds that, in the interest of the public health, safety and welfare, it is necessary to safeguard the confidence in the political process. Therefore, the county election process and county government should be protected from even the appearance of undue influence by individuals or groups contributing to candidates for executive, county council, sheriff, and assessor. The confidence of the public in a fair and democratic election process is vital. In the high cost of election campaigning, there can be the problem of improper influence, real or perceived, exercised by campaign contributors over elected officials. It is the policy of this county to foster broad-based citizen involvement in financing election campaigns. The county further finds that public confidence can also be enhanced by broadening public disclosure requirements with respect to the transfer and use of surplus campaign funds.

C. The county therefore finds that limitations on contributions of money, services and materials by individuals or groups to county election campaigns should be imposed by law to protect the public health, safety, welfare and the integrity of the political process. These limitations, however, should be reasonable, so as not to discourage personal expression.

D. The county, therefore, finds it is in the public interest to encourage the widest participation of the public in the electoral process, to reduce the dependence of candidates on large contributions and to increase public knowledge of the candidates and of election issues. The county finds that campaign expenditure limitations are in the best interest of the public. Recognizing that public matching funds for campaign purposes are necessary for voluntary expenditure limitations to be successful and voluntary programs are the only limitations constitutionally permissible, the council finds a program of public matching funds should be established. The council recognizes, however, that effective December 3, 1992, Washington Initiative 134 passed by the voters at the November 3, 1992 general election prohibits the use of public funds to finance political campaigns for state or local office. (Ord. 12662 § 1, 1997: Ord. 11348 § 1, 1994).

1.05.020 Definitions. For purposes of this chapter the following definitions shall apply:

A. "Candidate" means any individual who seeks election to a public office set out in K.C.C. 1.05.030 whether or not successfully. An individual shall be deemed to be seeking election when he or she first: receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office, announces publicly or files for office, whichever occurs first.

B. "Contribution" means a loan, loan guarantee, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services, for less than full consideration. "Contribution" does not include interest on moneys deposited in a political committee's account, ordinary home hospitality, volunteer in-kind labor or incidental expenses not in excess of twenty-five dollars personally paid for by a volunteer campaign worker. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the "contribution". Sums paid for tickets to fundraising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

C. "Election cycle" means the combination of the general or special election and the primary election for the office in question and begins on the date an individual becomes a candidate for such office and ends on the date that candidate files his or her final report pursuant to RCW 42.17.080(2).

D. "Expenditure" means a payment, contribution, subscription, distribution, loan advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay; and a payment or transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For purposes of this chapter, expenditures other than money or its equivalent shall be deemed to have a monetary value equal to the fair market value of the expenditure. "Expenditure" shall not include:

1. The partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported; or
2. The value of in-kind labor; or
3. Fines paid as a result of any penalties imposed on a candidate for violating this chapter.

E. "Fair advertising" means any publication, literature or media advertising, which bears the clear and conspicuous identification of the sponsoring candidate's name.

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

G. "Independent expenditure" means an expenditure on behalf of, or opposing the election of, any candidate, when such expenditure is made independently of the candidate, his/her political committee, or agent, and when such expenditure is made without the prior consent, or the collusion, or the cooperation, of the candidate or his/her agent or political committee.

H. "Own resources" means a candidate's personal funds or property; provided, however, that it shall not include:

1. A candidate's surplus campaign funds as defined in RCW 42.17.020 from a prior campaign for an elected position, except for such surplus funds as have been transferred to a candidate's personal account pursuant to RCW 42.17.095(2).
2. Excess campaign funds as defined in 2 U.S.C., Section 439(a) and 11 CFR, Section 113.2, or
3. Contributions received for a campaign for any other office.

I. "Person" means any individual, association, corporation, candidate, committee, political committee, political party, partnership or other entity.

J. "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or in opposition to, any candidate and which has also filed as a political committee pursuant to RCW 42.17.

K. "Political party" shall mean a major political party or a new or minor party which is established pursuant to RCW 29.42.

L. "Resident" means an individual natural person whose domicile is within the boundaries of King County. (Ord. 11348 § 2, 1994).

1.05.030 Application. These limits shall apply only to candidates in any primary, general or special election for the offices of King County executive, council, sheriff, and assessor. (Ord. 12662 § 1, 1997: Ord. 11348 § 3, 1994).

1.05.040 Mandatory limitations on contributions.

A. No person other than a political committee shall make contributions during the election cycle totaling more than one thousand two hundred dollars in the aggregate to any candidate for executive, county council, sheriff, or assessor, nor shall any political committee make contributions during the election cycle totaling more than one thousand two hundred dollars in the aggregate to any candidate for executive, county council, sheriff, or assessor.

B. No candidate for executive, county council, sheriff, or assessor shall accept or receive during the election cycle campaign contributions totaling more than one thousand two hundred dollars in the aggregate from any person other than a political committee, nor shall any such candidate accept or receive during the election cycle campaign contributions totaling more than one thousand two hundred dollars in the aggregate from any political committee.

C. The limitations in this section shall not apply to:

1. A candidate's contributions of his/her own resources to his/her own campaign; the limitations imposed by this section shall apply to the contributions of all others; and
2. Independent expenditures as defined by this chapter; and
3. The value of in-kind labor; and
4. Contributions to or expenditures from public office funds made consistent with the provisions of RCW 42.17.243.

D. Surplus campaign funds, as defined in RCW 42.17.030, from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the dollar limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus campaign funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus campaign funds. A candidate must file a statement with the records and elections division and the Public Disclosure Commission which identifies any funds used pursuant to this section. The statement shall include the following information for each amount transferred: The original contributor, original date of contribution, amount originally contributed, and the portion of each contribution transferred to the current campaign. (Ord. 13932 § 1, 2000: Ord. 12662 § 3, 1997: Ord. 11348 § 4, 1994).

1.05.105 Adjustment of dollar amounts in chapter - establishment by records and elections division. At the beginning of each even-numbered calendar year, the records and elections division shall increase or decrease all dollar amounts in this chapter based on changes in economic conditions as reflected in the inflationary index used by the Washington state Public Disclosure Commission under RCW 42.17.370. The new dollar amounts established by the records and elections division under this section shall be rounded off by the division to amounts as judged most convenient for public understanding and so as to be within ten percent of the target amount equal to the base amount provided in this chapter multiplied by the increase in the inflationary index since the effective date of this ordinance. (Ord. 13932 § 3, 2000).

1.05.115 Rules. The records and elections division shall adopt rules consistent with this chapter. Until new rules are adopted, the rules adopted by Ordinance 10742, as amended by Ordinance 11348, remain in effect. (Ord. 13932 § 2, 2000: Ord. 12662 § 4, 1997: Ord. 11348 § 6, 1994).

1.05.120 Penalties. The violation or failure to comply with the provisions of this chapter shall constitute a civil violation for which a monetary fine of up to one thousand dollars shall be assessed. Each violation shall be a separate violation and shall be subject to the fine. An action seeking to establish the fact of a violation and imposition of a monetary fine under this section shall be commenced with the assistance of the county prosecuting attorney. (Ord. 11348 § 5, 1994).

1.05.140 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 11348 § 9, 1994).