

chapter shall be construed to promote full disclosure of lobbying ~~and expenditure lobbying~~ in order to protect the openness and integrity of the legislative process.

2.06.010 Definitions.

For the purposes of this Chapter, the following terms apply:

A. "City" means the City of Seattle.

B. "City officer or employee or agent" means every person elected or appointed to any City office or position of employment, including volunteers performing work for the City, when acting within the scope of their City duties, and contract workers and consultants when acting within the scope of their contract with the City. The term also includes persons appointed to City boards, commissions and committees when acting within the scope of their City duties, regardless of whether those persons are paid by the City.

C. "Commission" means the Seattle Ethics and Elections Commission.

D. "Compensation" includes anything of economic value that is provided or promised to a lobbyist in return for lobbying. The term includes compensation that is provided or promised to an entity, including but not limited to a law firm, consulting firm, public relations firm, or other similar organization, that engages in lobbying through its employees.

E. "Executive Director" means the Executive Director of the Seattle Ethics and Elections Commission or his or her designee.

F. "Expenditure" means anything of economic value that is provided, given, loaned or promised in furtherance of lobbying. This term includes agreements to provide things of economic value even when those agreements are unenforceable. Expenditures other than money or its equivalent shall be valued according to their fair market value.

G. "Gift" means anything of value transferred or promised by one person to another without consideration.

H. ~~"Immediate family" means:~~

~~1. A spouse or domestic partner as contemplated by SMC Sections 4.30.010 and 4.30.020;~~

~~2. Any dependent parent, parent in law, child or son in law or daughter in law; or~~

~~3. Any parent, parent in law, child, son in law, daughter in law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of any of the following individuals:~~

~~(a) a City elected official, mayoral or legislative staff member, or candidate for City office; or~~

~~(b) a member of a campaign or political committee for City candidates or ballot measures, or supporting or opposing any City ballot measure.~~

~~I.~~ “Legislation” means any council bill, ordinance, resolution, ballot measure or charter amendment. The term also includes making, confirming, or rejecting appointments to City positions. The term does not include quasi-judicial matters subject to the appearance of fairness doctrine.

~~J.~~ “Legislative Department Staff” means any City officer or employee or agent of the Legislative Department.

~~K.~~ “Lobby ~~contacts~~” and “lobbying ~~contacts~~” each mean communications with city council members, legislative department staff, the mayor or the mayor’s staff in an attempt to influence any of those individuals to develop, propose, draft, consider or reconsider, promote, adopt, enact, reject, take favorable action upon, approve, disapprove, veto, or fail to take action upon legislation.

“Lobby ~~contacts~~” and “lobbying ~~contacts~~” do not include the following:

~~1. Communicating with the members of an association or organization by that same association or organization;~~

~~2.~~ Communications or other actions by any City officer or employee or agent acting within the scope of his or her employment authority or contract with the City;

~~3.2.~~ Communications or other actions ~~by representatives of labor organizations that constitute~~ related to existing or proposed collective bargaining ~~within the terms of RCW 41.56; agreement(s) with the City or other legislation which could affect specific existing or proposed~~ collective bargaining agreements with the City;

~~4.3.~~ Communications or other actions by members of the news media related to news and feature reporting, commentary, and editorial opinion in a regularly-published periodical, on television or radio, or on a regularly-maintained Internet website or other means of

1 electronic communication devoted to the dissemination of news or opinion and not created solely
2 to influence a specific piece of legislation.

3 ~~L.K.~~ “Lobbyist” means any ~~person~~individual who lobbies for compensation, except
4 persons who are reimbursed for minor incidental personal expenses.

5 ~~M.L.~~ “Lobbyist’s employer” means any person who employs or compensates a lobbyist
6 for lobbying to promote that person’s interests.

7 ~~N.M.~~ “Mayor’s Staff” means any City officer or employee or agent working in the
8 Mayor’s office.

9 ~~O.N.~~ “Minor incidental personal expenses” means expenses actually incurred for lodging,
10 mileage, parking, meals, copying, telephone, and facsimiles, which expenses are directly related
11 to lobbying.

12 ~~P.O.~~ “Month” is a calendar month.

13 ~~P.~~ “Organizational member” includes a person defined in this chapter, but excludes
14 individuals.

15 Q. “Person” includes an individual, partnership, joint venture, public or private
16 corporation, association, federal, state or local governmental entity or agency however
17 constituted, candidate, committee, political committee, political party, executive committee
18 thereof, or any other organization or group of persons, however organized.

19 ~~T.R.~~ “Quarter” is a calendar quarter, i.e., January through March, April through June,
20 July through September, and October through December.

21 ~~U.S.~~ “Representatives of labor organizations” means any employees or designated
22 spokespersons of a bargaining agent that represents City employees.

23 ~~W.T.~~ “Year” means calendar year.

24 **2.06.020 Registration of Lobbyists.**

25 A. Before lobbying, or within 30 days after being employed as a lobbyist, whichever
26 comes first, a lobbyist shall register by filing with the Executive Director a lobbyist registration
27 statement, in such detail as the Commission shall by rule prescribe, showing:
28

1 1. His or her name, permanent business address, business telephone number and
2 business e-mail address, and, if the permanent business address is not in the City of Seattle, any
3 temporary address in the City of Seattle;

4 2. The following information for each of the lobbyist's employers:

5 (a) the name, business address, business telephone number, business e-
6 mail address and occupation or business of the lobbyist's employer;

7 ~~3. The~~ (b) the duration of the lobbyist's employment;

8 ~~4. The~~ (c) the lobbyist's compensation for lobbying, how much he or she is to be
9 paid for expenses and what expenses are to be reimbursed;

10 ~~5. Whether~~ (d) whether the person from whom the lobbyist receives that
11 compensation employs him or her solely as a lobbyist or whether he or she is a regular employee
12 performing services for his or her employer that include, but are not limited to, lobbying;

13 ~~6. The~~ (e) the general subject or subjects of his or her lobbying and if
14 known the legislation on which he or she is lobbying; including council bill, ordinance,
15 resolution or initiative number, if established;

16 ~~7. A written authorization from each of the lobbyist's employers confirming such~~
17 ~~employment;~~

18 ~~8. The name, business address, business telephone number and business e-mail~~
19 ~~address of the person who will have custody of the accounts, bills, receipts, books, papers and~~
20 ~~documents required to be kept by Section 2.06.090; and~~

21 ~~9. If~~ (f) if the lobbyist receives compensation from an entity,
22 including but not limited to a law firm, consulting firm, public relations firm, or other similar
23 organization, that engages in lobbying through its employees, then the name of such entity; and

24 (g) if the lobbyist's employer is an entity (including, but not limited to, a
25 business or trade association) not exempted under Section 2.06.070, whose members include
26 businesses, groups, associations, or organizations or which as a representative entity undertakes
27 lobbying activities for businesses, groups, associations, or organizations:

28 ~~(a)~~ (i) the name, business address, business e-mail address and
business telephone number of each business or trade association, or other organizational member
of such entity; and

1 ~~(b~~ (ii) the name of each person represented by such entity, whose
2 fees, dues, payments or other consideration paid to such entity for lobbying activities during
3 either of the prior two years have exceeded five hundred dollars or who has paid or is obligated
4 to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred
5 dollars to such entity for lobbying activities during the current year.

6 3. A written authorization from each of the lobbyist's employers confirming such
7 employment;

8 4. The name, business address, business telephone number and business e-mail
9 address of the person who will have custody of the accounts, bills, receipts, books, papers and
10 documents required to be kept by Section 2.06.090; and

11 ~~B. Each lobbyist shall file a separate lobbyist registration statement for each employer~~
12 ~~for whom he or she works as a lobbyist.~~

13 ~~C.~~ Whenever a change, termination or modification of the lobbyist's employment with a
14 lobbyist's employer occurs, or whenever there is a change in any of the information required to
15 be supplied by Subsection A of this section, the lobbyist shall furnish full information regarding
16 the same within seventy calendar days of such termination or modification by filing with the
17 Executive Director an amended registration statement.

18 ~~D.~~ Persons employed as lobbyists on the effective date of this chapter shall register
19 within 30 days of that effective date.

20 **2.06.030 Reporting by Lobbyists.**

21 A. Each lobbyist not exempted under SMC 2.06.060 shall file periodic reports of his or
22 her lobbying activities. ~~The lobbyist must file a separate report with the Executive Director of his~~
23 ~~or her activities for each employer. Such reports must be signed by the lobbyist. Such reports~~
24 must be signed or certified by the lobbyist. The reports shall be made in the form and manner as
25 prescribed by rule adopted by the ~~Executive Director.~~ Commission. The reports shall be filed
26 within fifteen calendar days after the last day of the calendar quarter. ~~The due dates for such~~
27 ~~reports are January 15, April 15, July 15 and October 15.~~ The January report shall cover the
28

1 preceding year; the April, July and October reports shall each cover the preceding calendar
2 quarter.

3 B. ~~Each~~ The report shall contain: the following information for each of the lobbyist's
4 employers:

5 1. The name, business address, business telephone number, business e-mail
6 address and occupation or business of the lobbyist's employer;

7 2. The totals of all expenditures for lobbying activities made or incurred by such
8 lobbyist and the totals of all expenditures for lobbying activities made or incurred on behalf of
9 such lobbyist by ~~thesuch~~ lobbyist's employer or any other person with the lobbyist's knowledge.
10 Such total expenditures for lobbying activities shall be segregated by category, and include the
11 following: food and refreshments, living accommodations, travel, entertainment and other
12 expenses or services, including but not limited to minor incidental expenses. ~~The report shall~~
13 ~~specify the amount of the expenditure, the person to whom the amount was paid and a brief~~
14 ~~description of the activity. Each individual expenditure of more than twenty-five dollars for~~
15 ~~entertainment shall be identified by date, place, amount, and the names of all persons~~
16 ~~entertained. Notwithstanding the foregoing, lobbyists are not required to report any unreimbursed~~
17 ~~expenses incurred for telephone and any office expenses including rent and salaries and wages~~
18 ~~paid for staff and secretarial assistance.~~

19 23. The total compensation paid to the lobbyist for lobbying purposes during the
20 reporting period by each of the lobbyist's employer(s);

21 34. The legislation that the lobbyist has been supporting or opposing during the
22 reporting period; including council bill, ordinance, resolution or initiative number, if
23 established;

24 45. Other information relevant to lobbying activities as shall be prescribed by
25 rule;

26 56. Information regarding any termination, change or modification of the
27 lobbyist's employment; and

28 ~~6. An itemized list of all expenditures, whether by the lobbyist personally or~~
~~delivered or transmitted by the lobbyist, in the nature of contributions or gifts to, or to benefit the~~
~~following individuals, or their immediate family members:~~

~~_____ (a) the mayor, city council members, mayoral or legislative department employees, candidates for City office; and~~

~~_____ (b) members of a campaign or political committee for City candidates or ballot measures, or supporting or opposing any City ballot measure.~~

~~_____ The expenditures under this subsection B(6) shall be itemized by date, nature of the contribution or gift, and the recipient.~~

2.06.040 Reports by Employers of Registered Lobbyists.

A. Every employer of a lobbyist not exempted under Section 2.06.~~060070~~ shall report on such employment either by:

1. Verifying, by signing or certifying along with the lobbyist, the January ~~15~~ report required to be filed by Section 2.06.030; or

2. Filing with the Commission on or before the last day of February of each year a statement disclosing for the preceding calendar year the following information:

a. the total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise;

b. the legislation the employer has been employing a lobbyist or compensating a lobbyist to support or oppose; including council bill, ordinance, resolution or initiative number, if established;

c. the name, business address, business telephone number and business e-mail address of each lobbyist employed by the reporting person and the total expenditures made by the employer for each such lobbyist for lobbying purposes; and

~~d. the name of each City elected official, mayoral or legislative staff member, or their immediate family members, whom the lobbyist's employer has employed or compensated during the previous year, the amount or value of any compensation paid, and the consideration given or performed for the compensation;~~

~~_____ e. all contributions or gifts made to a candidate for City elective office, or a political committee supporting or opposing a candidate for City office or a City ballot measure. These contributions shall be identified by the name, business address, business telephone number~~

1 ~~and business e-mail address of each recipient, and the aggregate amount contributed to each~~
2 ~~recipient;~~

3 ~~_____ f. the names and offices sought of candidates for City office, and the City~~
4 ~~ballot measures, supported or opposed by independent expenditures of the person reporting, and~~
5 ~~the amount and recipient of each expenditure; and~~

6 ~~_____ g. such other information as may be prescribed by rule: consistent with~~
7 ~~this Section.~~

8 9 **2.06.060 Registration and Reporting – Exemptions**

10 A. The following persons are exempt from registration and reporting under this Chapter:

11 1. ~~Persons~~Lobbyists who limit their lobbying to appearing before public sessions
12 of the city council or its committees.

13 2. ~~Persons~~Lobbyists who restrict their lobbying activities to no more than
14 ~~eighteen lobby~~four days or ~~lobbying contacts~~parts thereof during any calendar quarter.
15 Appearances before public sessions of the city council and its committees are not counted as
16 ~~contacts~~lobbying activities.

17 3. Lobbyists' employers, to the extent that the activities of the lobbyists they
18 employ are exempt from registration and reporting under this section.

19 4. Elected officials, officers and employees of any local, state or federal
20 government agency acting within the scope of their representation of or employment with such
21 agency; provided, however, that this subsection A(4) shall not apply to persons specifically
22 employed or retained by a government agency to lobby.

23 **2.06.070 Registration and Reporting – Request for Exemption**

24 A. An exemption from the registration requirement of Section 2.06.020A(9) ~~and the~~
25 ~~registration requirements of Section 2.06.050B(2)(g)~~ shall be granted by the Commission to a
26 lobbyist's employer if such lobbyist's employer has applied in writing to the Commission for
27 such exemption and has demonstrated by a reasonable probability that the compelled disclosure
28 of identifying information under Section 2.06.020A(9) ~~or Section 2.06.050B(2)(g)~~ will subject

1 those persons to threats, harassment, or reprisals from either government officials or private
2 parties, ~~and that as a result of such disclosure it is reasonably probable that advocacy of a~~
3 ~~dissident view will be hindered and the right to free association chilled.~~

4 B. The decision to grant or deny an exemption from disclosure, with the reason or
5 reasons therefore, shall be set out in writing with a copy kept on file with the Executive Director.

6 **2.06.080 Voluntary Registration and Reporting**

7 Any person exempted under this chapter from registering and reporting may at his or her
8 option voluntarily register and report under this Chapter.

9 **2.06.090 Duty to Obtain and Preserve Records; Inspection and Audit of**
10 **Records**

11 A. Persons required to register or report under this Chapter shall obtain and preserve all
12 records necessary to substantiate all registration statements and reports that this Chapter requires.
13 Records required to be preserved under this Chapter include but are not limited to receipts, bills,
14 invoices, checks and records of electronic financial transactions. All such records shall be
15 preserved for at least five years after the registration statement or report to which they pertain has
16 been filed.

17 B. All records required to be maintained under this section are subject to inspection,
18 copying and audit by the Executive Director, with reasonable prior notice, during regular City
19 business hours.

20 **2.06.100 Employment of Unregistered Persons.**

21 It is a violation of this chapter for any person to employ a lobbyist who is required to
22 register, but is not registered under this chapter.

23 **2.06.110 Other Restrictions.**

24 In addition to other requirements imposed by this Chapter, a person required to register
25 under this chapter shall not:

26 A. Engage in any lobbying before registering as a lobbyist under this chapter;
27
28

1 B. File any statement or report with the Commission that is incomplete in any material
2 respect or contains a statement that is false or misleading with respect to any material fact;

3 C. Fail to comply with any of the reporting requirements of this chapter.
4
5

6 **2.06.120 Complaints and Investigations**

7 Enforcement under this Chapter, including complaints, hearings and investigations, shall
8 be governed by the provisions of SMC 2.04.060 through SMC 2.04.090. The prohibitions and
9 penalties set forth in this Chapter are not exclusive, and are not intended to limit or preclude
10 other prohibitions that may be applicable or remedies that may be available under the law.

11 **2.06.130 Civil Remedies and Sanctions**

12 Upon determining pursuant to SMC 2.04.060 through SMC 2.04.090 that a violation of
13 this chapter has occurred, the Commission may issue an order requiring the party to take
14 particular action in order to comply with the law, and in addition, or alternatively, may impose
15 sanctions up to ~~OneFive~~ Thousand Dollars (\$~~15~~,000) per violation. Any person who fails to file
16 a properly completed registration or report within the time required by this chapter may also be
17 subject to a civil penalty of Ten Dollars (\$10) per day for each day each such delinquency
18 continues.

19 **2.06.140 Enforcement**

20 The Executive Director shall have the authority to enforce this chapter as provided in
21 SMC Section 2.04.510.
22

23 **2.06.150 Limitation on Actions**

24 Any action brought under the provisions of this chapter must be commenced within five
25 years after the date when the violation occurred.
26

27 Section 2. Section 2.04.060 of the Seattle Municipal code is amended as follows:
28

1 **SMC 2.04.060 Executive Director -- Duties.**

2 The Executive Director of the Seattle Ethics and Elections Commission shall be
3 responsible for the management of said office, may in the exercise of such duties consult with
4 the Seattle Ethics and Elections Commission and in that connection is authorized to:

5 * * *

6 B. Require that forms developed and prepared by the PDC be utilized for the reports and
7 statements required to be made under ~~((this e))~~Chapter 2.04 and Chapter 2.06; provided, that
8 whenever the Executive Director determines that any such form is not reasonably appropriate for
9 the purposes of ~~((this e))~~Chapter 2.04 or Chapter 2.06, he or she may develop and provide
10 suitable forms as are reasonably necessary, and require such forms to be utilized for such
11 purposes;

12 C. Encourage persons required to make reports under ~~((this e))~~Chapter 2.04 and Chapter
13 2.06 to use the PDC-published manuals that set~~((s))~~ forth recommended uniform methods of
14 bookkeeping and reporting;

15 * * *

16 E. Investigate whether properly completed statements and reports have been filed within
17 the times required by ~~((this e))~~Chapter 2.04 and Chapter 2.06;

18 F. Review all ~~((disclosure-))~~registrations and reports required under Chapter 2.04 and
19 Chapter 2.06 for completeness and internal consistency;

20 G. Independently verify entries on ~~((disclosure-))~~registrations and reports required under
21 Chapter 2.04 and Chapter 2.06 and other forms selected on an arithmetically random basis;

22 * * *

23 I. Determine upon written complaint or upon his or her own initiative, in accordance with
24 Section 2.04.070, that a violation of ~~((this e))~~Chapter 2.04 or Chapter 2.06 has occurred, and
25 report such apparent violation to ~~((either-))~~the Seattle Ethics and Elections Commission or report
26 such apparent violation of Chapter 2.04 to the PDC; provided that the Executive Director shall
27 have the authority to resolve with the person who has apparently violated ~~((this e))~~Chapter 2.04
28 or Chapter 2.06, what the Executive Director determines to be inadvertent, de minimus violations
without referring the matter to the Seattle Ethics and Elections Commission for a hearing, or

1 referring an apparent violation of Chapter 2.04 to the PDC for a hearing; provided further that
2 the Executive Director shall report violations of Chapter 2.04 to the PDC only in the event the
3 Seattle Ethics and Elections Commission is unable to hear the matter;

4 * * *

5 P. Prepare, publish and update, as appropriate, documents written in plain language
6 explaining the provisions of Chapter 2.06 and, further, develop and implement other methods to
7 educate the public, including, but not limited to, ~~expenditure campaign lobbying groups,~~
8 employers and lobbyists concerning the requirements of Chapter 2.06.;

9 Q. Annually publish and disseminate a directory of registered lobbyists that sets forth the
10 name, employer(s), if applicable, and telephone number of each registered lobbyist.;

11 R. Prepare and publish an annual report to the Seattle City Council as to the
12 effectiveness of Chapter 2.06 and its enforcement.;

13 S. Review at least every five years the ~~monetary~~ reporting thresholds and penalties of
14 Chapter 2.06. Promptly upon completion of each review, the Executive Director shall
15 recommend to the Seattle City Council necessary changes, if any, to the ~~monetary~~ reporting
16 thresholds and penalties of Chapter 2.06.;

17 T. Prepare and publish such reports as in the Executive Director's judgment will address
18 the purposes of Chapter 2.06 including reports and statistics concerning lobbying and
19 enforcement of Chapter 2.06.

20 Section 3. Section 2.04.070 of the Seattle Municipal code is amended as follows:

21 **SMC 2.04.070 Complaint procedure.**

22 A. Any registered voter of the City may file with the Executive Director a complaint, in
23 writing, under oath alleging a violation of ~~((this e))Chapter 2.04 or Chapter 2.06.;~~ Under oath
24 means that the complaint includes a statement substantially as follows: "I declare under penalty
25 of perjury of the laws of the State of Washington that the information in this complaint is true
26 and correct," or that the complaint is subscribed and sworn to before a notary public or other
27 official authorized to administer oaths.
28

1 B. ~~Upon receipt of such~~Any person may file with the Executive Director a complaint, in
2 writing, under oath alleging a violation of Chapter 2.06.

3 ~~((B))~~C. Upon receipt of ~~((such))~~a complaint alleging a violation of Chapter 2.04 or
4 Chapter 2.06, the Executive Director shall conduct an investigation. The Executive Director shall
5 commence an investigation:

6 1. Within ten (10) days after receipt of the complaint if the complaint relates to
7 ~~((conduct))~~an alleged violation of Chapter 2.04 during the pending election and is received
8 before the date of the final election for the office or the proposition; and

9 2. Within thirty (30) days in other instances.

10 ~~((C))~~D. The Executive Director shall dismiss the complaint alleging a violation of
11 Chapter 2.04 or Chapter 2.06 (1) if he or she determines that all of the alleged facts, if true, do
12 not constitute a violation; or (2) if he or she determines after an investigation that (a) there is no
13 reasonable ground to believe that a violation has occurred; or (b) the violation was inadvertent
14 and minor.

15 Such a dismissal shall be in writing, setting forth the facts found, and the provisions of
16 law upon which the dismissal is based, and the Director's reasoning. The Executive Director
17 shall provide a copy of the dismissal to the complainant, to the person named in the complaint as
18 the alleged violator, and to the Commission.

19 Section 4. Section 2.04.075 of the Seattle Municipal code is amended as follows:

20 **SMC 2.04.075 Procedure -- Charges and hearing.**

21 A. The Executive Director shall initiate an enforcement proceeding if, after investigation,
22 he or she has reason to believe that a material violation of Chapter 2.04 or Chapter 2.06 has
23 occurred. An enforcement action is initiated by delivering a charging document to the person
24 charged and the Seattle Ethics and Elections Commission ("Commission") and scheduling a
25 hearing on the charges. The document shall describe the alleged conduct that is the basis of the
26 charge and set out the provisions of Chapter 2.04 or Chapter 2.06 alleged to have been violated.
27 No hearing shall be scheduled while a recommendation of the Executive Director for a
28 settlement is awaiting action by the Commission.

1 B. The hearing before the Commission shall commence as promptly as practical and no
2 later than the following:

3 1. If the Executive Director issues the charging document alleging a violation of
4 Chapter 2.04, between sixty (60) days immediately preceding and forty-eight (48) hours
5 immediately preceding seven (7:00) a.m. on the date of the election to which the alleged conduct
6 at issue is related, the hearing shall commence within ten (10) days of issue or half the time
7 before the election, whichever is less, but in no event upon less than twenty-four (24) hours'
8 notice, given pursuant to subsection C of this section, to the person charged and the public;

9 2. In all other cases, including cases alleging a violation of Chapter 2.06, and in
10 those cases in which the requirement in subsection B1 for twenty-four (24) hours' notice makes it
11 impossible to commence the hearing within half the time before the election, the hearing shall
12 commence within thirty (30) days from the date that the Executive Director issues the charging
13 document;

14 3. The person charged and the Executive Director may, by mutual agreement,
15 stipulate to a later date for the hearing. The Commission may delay or continue a hearing in
16 order to accommodate an attempt to make a settlement or for other good cause.

17 C. The Executive Director shall cause notice of a hearing to be served on the person
18 charged and on the public as follows:

19 1. The notice of hearing shall include:

- 20 a. A statement of the time, place, and matter(s) to be considered;
21 b. A statement of the legal authority under which the hearing is to be held;
22 c. Reference to the particular sections of the Seattle Municipal Code
23 alleged to have been violated.

24 2. Notice may be served on the person charged by sending it through the U.S.
25 mail, first class postage pre-paid, or by personal service, or through regular internal City mail
26 service.

27 3. Notice may be served on the public by sending it to each daily local newspaper
28 of general circulation through the U.S. mail, first class postage pre-paid, or by personal delivery,
or by facsimile, and by posting it on the bulletin board in the main lobby of the building in which
the City Council chambers are located and on the bulletin board in the Commission office.

1 D. Upon completion of the hearing, the Commission shall issue a written determination
2 stating whether Chapter 2.04 or Chapter 2.06 was violated, the facts found, and the applicable
3 sections of the Code.

4 If the charging document concerns ~~((conduct))~~ an alleged violation of Chapter 2.04 related
5 to an election to be held within seven (7) days of issuing the charging document, the written
6 determination shall be made within forty-eight (48) hours of the completion of the hearing; in
7 other instances, the determination shall be made within seventy-two (72) hours. A copy of the
8 determination shall be delivered to the complainant, and to the person charged with the violation.
9 The Commission may forward its determination to the City Attorney or to the King County
10 Prosecuting Attorney.

11 E. A violation of ~~((this e))~~ Chapter 2.04 or Chapter 2.06 may be proven by a
12 preponderance of the evidence and need not be proven beyond a reasonable doubt. If the
13 Commission determines that a violation has occurred, the Commission may issue an order
14 pursuant to SMC~~((ection))~~ 2.04.500~~;(c))~~ or SMC 2.06.130.

15 F. In any case the Commission may refer the matter to the City Attorney or to the King
16 County Prosecuting Attorney.

17 Section 5. Section 2.04.090 of the Seattle Municipal code is amended as follows:

18 **SMC 2.04.090 Ethics and Elections Commission -- Powers and duties.**

19 The Seattle Ethics and Elections Commission shall have the following duties and powers:

20 A. The Commission shall hear and make written determination of complaints alleging
21 violation of ~~((this e))~~ Chapter 2.04 or Chapter 2.06. All hearings shall be conducted as hearings of
22 a "contested case" under the Administrative Code, Seattle Municipal Code Chapter 3.02 insofar
23 as the times and procedures of Chapter 3.02 are practical within the constraints of Section
24 2.04.075, and in accordance with the Commission's rules and regulations.

25 B. The Commission may require any person against whom a complaint has been filed, or
26 any person who is reasonably believed to have information material to the determination of the
27 charges before the Commission, to appear at a designated time and place in the City, to give such
28 information under oath, and to produce all accounts, bills, receipts, books, papers, and

1 documents which may be relevant or material to an investigation authorized by ~~((this e))~~Chapter
2 2.04 or Chapter 2.06.

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

6 D. The Commission shall, upon proper application made to it, conduct hearings and,
7 when appropriate, grant exemptions from the disclosure requirements of ~~((this e))~~Chapter 2.04 as
8 provided in Section 2.04.320 and from the registration and reporting requirements of Chapter
9 2.06 as provided in Section 2.06.070.

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

13 Section 6. Section 2.04.510 of the Seattle Municipal code is amended as follows:

14 **SMC 2.04.510 Enforcement.**

15 The Executive Director may investigate or cause to be investigated the activities of any
16 person who there is reason to believe is or has been acting in violation of ~~((this e))~~Chapter 2.04
17 or Chapter 2.06, and may require any such person or any other person reasonably believed to
18 have information concerning the activities of such person to appear at a time and place
19 designated in the City, to give such information under oath and to produce all accounts, bills,
20 receipts, books, papers, and documents which may be relevant or material to any investigation
21 authorized under ~~((this e))~~Chapter 2.04 or Chapter 2.06.

22 Section 7. Subsection 3.70.100 A of the Seattle Municipal Code is amended as follows:

23 **SMC 3.70.100 Powers and Duties.**

24 The Commission shall have the following powers:

25 A. To administer the City's Code of Ethics (Code Chapter 4.16); the Election
26 Campaign Code and its campaign matching fund program (Code Chapter 2.04); the City's
27

1 election pamphlet ordinance (Code Chapter 2.14); the lobbying disclosure ordinance (Code
2 Chapter 2.06); and the whistleblower protection ordinance (SMC Sections 4.20.800 through
3 42.20.850 inclusive) insofar as violations of the Code of Ethics or elections ordinance may be
4 involved (called collectively “Commission-administered ordinances”);

5 * * *

6 Section 8. The Seattle Ethics and Elections Commission’s Executive Director shall
7 provide a report with recommendations to the City Council on compliance with this ordinance,
8 the City’s enforcement of this ordinance, and the need for any amendments to the code sections
9 enacted or amended by this ordinance. The report shall be presented to the Council no later than
10 12 months after the effective date of this ordinance.

11 Section 9. Severability. If any provision of this ordinance or its application to any
12 person or circumstance is held invalid, the remainder of the ordinance or the application of the
13 provision to other persons or circumstances is not affected.

14 Section 10. ~~This ordinance shall take effect and be in force thirty (30) days from and~~
15 ~~after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)~~
16 ~~days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020. This~~
17 ~~ordinance shall take effect and be in force whichever is the earlier of (a) thirty (30) days after (i)~~
18 ~~the Seattle Ethics and Elections Commission adopts rules that address the registration and~~
19 ~~reporting requirements of this ordinance and (ii) favorable action by the Mayor or certification~~
20 ~~pursuant to Section 12 of Article IV of the Seattle City Charter; or (b) one hundred eighty (180)~~
21 ~~days from and after favorable action by the Mayor; or (c) if not approved by the Mayor, one~~
22 ~~hundred eighty (180) days from and after certification pursuant to Section 12 of Article IV of the~~
23 ~~Seattle City Charter.~~
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Passed by the City Council the ____ day of _____, ~~2007~~2008, and signed
by me in open session in authentication of its passage this ____ day of _____,
~~2007~~2008.

President of the City Council

Approved by me this ____ day of _____, ~~2007~~2008.

Mayor

Filed by me this ____ day of _____, ~~2007~~2008.

City Clerk

(SEAL)