

Chapter 3.70 SEATTLE ETHICS AND ELECTIONS COMMISSION

Subchapter I Commission

3.70.010 Commission established—purpose¹

The Seattle Ethics and Elections Commission is established to administer the City's Code of Ethics (Chapter 4.16); to administer the Election Campaign Code and its campaign matching fund program (Chapter 2.04); to publish the City's election pamphlets (Chapter 2.14) and to administer the Whistleblower Protection Code Sections 4.20.800 through 4.20.880).

(Ord. 124362 , § 14, 2013; Ord. 116005 , § 1, 1991.)

3.70.020 Commission membership.

The Seattle Ethics and Elections Commission shall be composed of seven (7) members selected as follows:

- A. Three (3) members shall be appointed by the Mayor subject to confirmation by the City Council;
- B. Three (3) members shall be appointed by a two-thirds ($\frac{2}{3}$) vote of the members of the City Council; and
- C. The seventh member shall be appointed by the other six (6) members, subject to confirmation by the City Council.

The Commission shall select its chair from among its members.

(Ord. 116005 , § 1, 1991.)

3.70.030 Terms—Reappointment.

Members of the Commission shall serve for a term of three (3) years ending on December 31st of the third year of such term and until their successors are appointed and qualify. Members are eligible for reappointment.

Terms shall be staggered so that the terms of one (1) member selected by the Mayor and one (1) member selected by the City Council expire each year. The term of the seventh member shall commence on January 1, 1992.

Incumbent members of the Fair Campaign Practices Commission/Board of Ethics shall complete their current terms as members of the Ethics and Elections Commission.

(Ord. 116005 , § 1, 1991.)

¹Editor's note(s)—SMC Chapter 2.24 was repealed in 1995 by Ordinance 117555 § 1, and the administration of the political signs ordinance is no longer a duty of the Seattle Ethics and Elections Commission. Provisions related to the regulation of signs can be found in SMC Chapter 23.55.

3.70.040 Vacancy—Removal—Relinquishment.

An appointing authority may fill a vacancy in the same manner as used in making an original appointment. A person appointed to fill a vacancy serves for the remainder of the term.

An appointing authority may remove a member for cause, subject to confirmation by a majority of the membership of the City Council. Five (5) of the seven (7) members of the Commission must vote in favor of a removal of the seventh member.

Absence without excuse from three (3) successive meetings shall constitute a voluntary relinquishment of office and create a vacancy if the separation between the first meeting and the third successive meeting is at least forty (40) calendar days.

(Ord. 116005 , § 1, 1991.)

3.70.050 Compensation—Reimbursement of expenses.

Members of the Commission shall serve without compensation. Members may be reimbursed their expenses incurred in the performance of the duties of office.

(Ord. 116005 , § 1, 1991.)

3.70.060 Neutrality in political campaigns.

No member of the Commission shall during his or her term of office:

- A. Hold or campaign for elective office;
- B. Be an officer of any political party or any political committee;
- C. Permit his or her name to be used or make contributions, in support of or in opposition, to any candidate for City office or proposition in a City election;
- D. Participate in any City election campaign; or
- E. Participate in any committee that provides ratings of candidates for City office.

(Ord. 116005 , § 1, 1991.)

Subchapter II Commission Powers and Duties

3.70.100 Powers and duties²

The Commission shall have the following powers:

- A. To administer the City's Code of Ethics (Chapter 4.16); the Election Campaign Code and its campaign matching fund program (Chapter 2.04); the City's election pamphlet ordinance (Chapter 2.14); the

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lobbying disclosure ordinance (Chapter 2.06) and the Whistleblower Protection Code (Sections 4.20.800 through 4.20.880 inclusive) (called collectively "Commission-administered ordinances");

- B. To publish the election pamphlet (Code Chapter 2.14); to maintain as a public record reports required by the City's election campaign code (SMC Sections 2.04.150 through 2.04.290) and publish data; to enforce limitations on campaign contributions (SMC Sections 2.04.340 through 2.04.350); to execute campaign contracts, disburse campaign matching funds (SMC Sections 2.04.400 through 2.04.470), and seek recovery thereof if funds are due the City (SMC Sections 2.04.450 through 2.04.510); to solicit and accept donations for the campaign matching fund account; and to promulgate forms for employee statements of economic interest and maintain files for their public inspection (SMC Section 4.16.080);
- C. To promulgate, amend and rescind rules and regulations in accordance with the City's Administrative Code (Code Chapter 3.02) in order to carry out the Commission-administered ordinances, and to establish its own procedures;
- D. To authorize investigations, hold hearings, and make findings on violations or alleged violations of any Commission-administered ordinances; to consider complaints, inquiries, and to initiate its own proceedings; to render advisory opinions; to publish informative publications and conduct educational programs as to Commission-administered ordinances;
- E. In its discretion, to delegate to the Office of the Hearing Examiner the fact-finding in a case and to review and revise the recommended decision of the Hearing Examiner as to the interpretation and application of Commission-administered ordinances;
- F. To administer oaths and affirmations, examine witnesses, and compel attendance of persons, and production of documents, papers, books, accounts, letters, and records by subpoena;
- G. To appoint an Executive Director (SMC Section 3.70.150), subject to confirmation by the City Council, and to confirm staff appointed by the Executive Director;
- H. To make expenditures authorized in its annual budget; to retain expert and consultant services; to use the services of the City Attorney as deemed appropriate to carry out its functions; and to call upon the Director of Finance and Administrative Services and Auditor to assist in auditing compliance with campaign contribution limits and eligibility for campaign matching funds; and
- I. To make recommendations to the City Council for amendments to Commission-administered ordinances or for new legislation and to comment on the effect of other legislation upon its functions or Commission-administered ordinances.

(Ord. 124362, § 15, 2013; Ord. 123361, § 49, 2010; Ord. 122645, § 7, 2008; Ord. 120794 § 27, 2002; Ord. 117242, § 6, 1994; Ord. 116377, § 1, 1992; Ord. 116005, § 1, 1991.)

3.70.110 Quorum.

Four (4) members of the Commission shall constitute a quorum for the conduct of all business and proceedings except that for the conduct of hearings as to alleged violations and promulgation of rules, five (5) members shall constitute a quorum.

(Ord. 116005, § 1, 1991.)

3.70.120 Meetings.

The chairperson or any four (4) members of the Commission may call a special meeting of the Commission.

(Ord. 116005, § 1, 1991.)

Subchapter III Executive Director

3.70.150 Executive Director.

- A. There shall be an Executive Director, appointed by the Commission. The position of Executive Director shall be exempt from the classified civil service. The term for the Executive Director position is six years.
- B. Each Executive Director's initial appointment is subject to confirmation by the City Council. Reappointment of an Executive Director to successive terms by the Commission is not subject to Council confirmation. If an individual who previously served as Executive Director is again appointed after a different individual was confirmed as Executive Director by the City Council, that new appointment is subject to City Council confirmation as an initial appointment.
- C. If an individual is reappointed to a successive term as Executive Director within 60 days prior to or 60 days after the expiration of that individual's term, the ensuing term begins on the date the prior term expired. If an individual is reappointed to a successive term as Executive Director more than 60 days prior to or 60 days after the expiration of that individual's term, the new term begins on the date of reappointment by the Commission unless the Commission chooses, at the time of reappointment, to make the new term begin on the date the prior term expires or expired.
- D. Notwithstanding anything else in this section, the Commission may remove its Executive Director for cause upon a majority vote of its membership.

(Ord. 121530 § 1, 2004; Ord. 116005 , § 1, 1991.)

3.70.160 Powers and functions of Executive Director.

Under the supervision of the Commission, the functions of the Executive Director include:

- A. Enforcing and implementing Commission-administered ordinances;
- B. Subject to confirmation of the Commission, appointing and removing staff; supervising their work; making and enforcing contracts; proposing to the Commission a recommended budget; coordinating with other City agencies; conducting education, assistance and information programs about Commission-administered ordinances;
- C. Making investigations, issuing subpoenas for documents and witnesses, filing charges, presenting evidence at hearings, recommending settlements, drafting advisory opinions for Commission approval, and carrying out decisions; and, in event of a delegation or referral of a case from the Commission to the hearing examiner, preparing the record of proceedings for the Commission;
- D. Disbursing Commission funds as authorized by its budget and by law; accepting funds due to the City on account of Commission-administered ordinances; and depositing funds received into the City Treasury; and
- E. Performing other functions assigned by ordinance or by the Commission.

(Ord. 116377 , § 2, 1977; Ord. 116005 , § 1, 1991.)

3.70.170 Neutrality in political campaigns.

The Executive Director shall not during his or her term of office, and no member of the staff of the Commission shall:

- A. Hold or campaign for elective office;
- B. Be an officer of any political party or any political committee;
- C. Permit his or her name to be used or make contributions, in support of or in opposition, to any candidate or proposition;
- D. Participate in any election campaign;
- E. Participate in any committee that provides ratings of candidates for office; or
- F. Lobby or assist a lobbyist.

(Ord. 116005 , § 1, 1991.)

Subchapter IV Appeals

3.70.200 Appeal of dismissal decision of Executive Director.

Any person, aggrieved by a dismissal decision of the Executive Director, may appeal the same to the Commission under such rules as the Commission may promulgate.

(Ord. 116005 , § 1, 1991.)