

In 2015 the City Council voted to increase the late-filing penalties to \$50 per day per late report and \$150 per day per late report during the final 30 days before the election.

The Final 21 Days Before the Primary

I know this is a LOT of information, but I hope you will take a few minutes to peruse and refresh your memory. Call me if you have any questions, or if you want to run something by me. Good luck on the campaign trail! -PG

FILING REPORTS

\$150 late-filing penalty begins July 3.

Please note that while we frequently waive or reduce penalties when committees promptly correct their errors, we generally do not waive or reduce them in the final week before the election.

1. 21-DAY AND 7-DAY C4S

You are required to file two C4 reports in the weeks leading up to the Election. One is due to be filed no later than 21 days before the election, on July 11th, and must report activity from the day after your last report through the close of business on July 10th. The 7-day report is due to be filed no later than 7 days before the election, on July 25th, and must report activity through the close of business on July 24th.

2. REPORT OUTSTANDING OBLIGATIONS

The C4 reports filed by your committee must report outstanding debts & obligations of the committee on Schedule B, Line 3. This includes obligations for which you or the committee have not yet received an invoice.

The campaign treasurer should contact each of the campaign's decision-makers after the close of business on July 10th and again on July 24th and ask if they have made any agreements (including verbal, text, written or spoken) with vendors to purchase goods or services or reserve advertising or production space. If the exact amount of the obligation is not yet known, the committee must report an estimate of the amount.

In general, if the committee has made a commitment to pay someone, or if a vendor has done any work on the committee's behalf expecting payment—whether or not it's legally enforceable—then you must report that activity as an obligation or a loan.

If the committee fails to timely report all required obligations, it will be subject to late filing penalties.

3. INCLUDE INFORMATION ON SUB-VENDORS

State and City law require that filers must also provide detailed information on sub-vendors your campaign consultant(s) have contracted with. For example, if you paid a consultant to put together a mail piece for your campaign, the consultant must provide

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you with the name, address and amount paid to the sub-vendor(s) e.g. mail house, post office, printer, graphic designer, list provider, etc. Report this information on the Schedule A with your expenditures. Remember to report sub-vendor information on in-kind transactions as well.

4. **PROVIDE DETAIL ON EXPENDITURES OF \$5,000 OR MORE**

For all expenditures of more than \$50, you must provide a description of the expense. For expenditures of \$5,000 or more, provide a narrative description. For example: for a mailing advertisement include the number of pieces, and the type of piece (such as doorhanger, postcard, 2-fold brochure).

5. **CONTINUE TO FILE C3S EACH MONDAY to report deposits made during the previous week.** If you did not make a deposit, you do not have to file a C-3.

6. **CONTRIBUTION LIMITS DURING THE FINAL 21 DAYS**

There is no limit to the amount a candidate can contribute to their own campaign. State law does, however, place strict limits on the amount a candidate can be repaid after an election (i.e. candidate loans). Please contact the PDC directly before making a loan or contribution to your own committee.

NEW Candidates participating in the Democracy Voucher Program are subject to the Campaign Spending Limit (CSL) for their campaign. The CSL includes cash on hand plus debts and obligations in excess of the cash on hand, plus vouchers allocated for the upcoming election. ([SMC 2.04.630\(d\)](#), SEEC Elections Code [Admin. Rule 16.D.](#))

The December 2011 ruling on the Family PAC v. McKenna case did away with contribution limits for non-candidate committees during the final 21 days before the election. In 2015 the City Council voted to remove the \$5,000 contribution limit for candidates during the final 21 days. Therefore, all non-candidate committees *may* accept, and city candidates may *make* (to their own campaign) contributions or loans of any amount during the final 21 days before the election except that Democracy Voucher participants cannot make contributions to their own campaigns that would put them over the Campaign Spending Limit, unless they have been released from the program limits by the SEEC.

7. **SPECIAL REPORTS FOR CONTRIBUTIONS OF \$1,000 OR MORE**

Late Contributions –The committee must [e-file](#) a Special Report of Late Contributions (SRLC) no later than 4:30 p.m. the next business day following the RECEIPT of any contribution from a single contributor (including the candidate making a contribution to his or her own campaign) of \$1,000 or more in the aggregate during the final 21 days before the election.

Committees are required to file the SRLC for a contribution that equals or exceeds \$1,000 on its own, or that totals \$1,000 or more in the aggregate when combined with

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other contributions from that person received during the final 21 days before the election.

In addition, the committee must file a SRLC no later than 4:30 pm on the 21st day before the election to report any contribution (monetary or in-kind) from a single contributor of \$1,000 or more in the aggregate **received prior to the 21st day** (i.e. July 14), but not yet reported.

The Special Report must disclose the name & address of the contributor, the date the campaign received the contribution and the amount of the contribution. Please note the contribution must also be reported on a C-3 or C-4 as appropriate.

Late Independent Expenditures – Independent Expenditure committees are required to file three items each time they make an expenditure of \$1,000 or more during the Final 21 days.

1) The committee must file a Special Report of Late Independent Expenditures no later than 4:30 p.m. the next business day after an expenditure is incurred. Please review the definition of expenditure in the Elections Code (the relevant portion is copied below).

“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.... [SMC 2.04.010]

The Special Report can be [e-filed](#) and must include the following information: i) vendor name and address, ii) amount of expenditure, iii) subvendor name(s) and address(es), if any, and iv) a description of the expenditure

2) The committee must file a copy of the independent expenditure advertising with the SEEC within two business days of disseminating the advertising. You can deliver to our office in person at 700 5th Ave, Suite 4010, or by fax (206) 684-8590 or email to polly.grow@seattle.gov.

3) **Each person and each officer of the committee** or entity who made an independent expenditure must also file with each Special Report an affidavit of independence stating that the maker has made reasonable inquiry and determined that as to each of the following: the expenditure was made without consultation, collusion, or cooperation with (i) any candidate, candidate political committee, or ballot proposition committee that a reasonable person making the independent expenditure would expect to benefit from the expenditure; (ii) the officers of such candidate's or proposition's political committee; or (iii) such candidate's or committee's agents.

The affidavit must be notarized or declared under penalty of perjury. The affidavit may be faxed to 206-684-8590 or emailed to polly.grow@seattle.gov. If you are filing

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more than one Special Report, make sure that the affidavit specifies which advertising piece(s) the affidavit applies to.

ELECTRONICALLY FILING THE SPECIAL REPORT

File the Special Report electronically by logging in to the SEEC Electronic Filing System

<https://www2.ci.seattle.wa.us/ethics/filers/login.asp>

Use your SEEC issued User Name and password to upload the Special Report. If you don't have a user name and password, (the same you use for uploading and posting reports to the City) contact:

bob.deweese@seattle.gov or polly.grow@seattle.gov

OTHER IMPORTANT STUFF TO REMEMBER

8. SPONSOR IDENTIFICATION

Remember to include the sponsor id on all of your advertising. During the last minute rush to get your message out, this one important item is frequently overlooked. City law is similar to State law, but it is not the same. Under City law, you must include the words “**Paid for by**” or “**Sponsored by**” followed by the name of the committee on broadcast advertising. Broadcast advertising includes cable, radio, and automated telephone ads (robocalls). The sponsor identification **must be clearly spoken** in all broadcast ads.

In print, and on websites, you must include the words “Paid for by” or “Sponsored by” followed by the person or committee who paid for the advertising and that person's or committee's address.

In all other aspects of sponsor ID, compliance with State law is acceptable for complying with City law.

Please note: State law allows a printed sponsor ID in TV advertisements, but there is no provision in the City's Elections Code for omitting the spoken sponsor id. The sponsor id (including the Top Five contributors, when applicable) **must be clearly spoken**. [SMC 2.04.290 B]

9. RECORDS AVAILABLE DURING THE FINAL 8 DAYS

Campaign records must be available for public inspection for two hours between 8 am and 8 pm on Monday, July 24th, and by appointment, Tuesday through Friday, July 25th – July 28th and, also on Monday, July 31st.

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If you have not already designated a **time and place** for making your records available on **July 24th**, please send an email to Polly.Grow@seattle.gov immediately providing this information.

To see what location and time we have on file for you, click on the Campaigns link from our site www.seattle.gov/elections Find your campaign name and click. Scroll to the “Committee Registration Statement “PopUp” button, or “Other Information from Most Recent C1.”

10. REQUESTING A CHANGE IN LOCATION FOR PUBLIC INSPECTION

If you wish to change the place and/or time for public inspection of your records, you must seek written authorization from the Executive Director. Send your request (email is fine) to Wayne Barnett, Executive Director at:

Seattle Ethics and
Elections Commission
700 Fifth Avenue
Suite 4010
P.O. Box 94729
Seattle, WA 98124-4729

or to

wayne.barnett@seattle.gov

If you have any questions about your filing requirements, please let me know.

Polly Grow
SEEC
700 Fifth Avenue, Suite 4010
P.O. Box 94729
Seattle, WA 98124-4729
(206) 615-1248
polly.grow@seattle.gov