

The Final 21 Days Before the Election

A key tenet of the City's campaign disclosure laws is that political campaign contributions and expenditures be fully disclosed to the public and that secrecy in the sources and application of such contributions be avoided.

In recent years on several occasions we've investigated and imposed fines when campaigns failed to timely report obligations for significant transactions. We find that such failures to report are not in keeping with the spirit, let alone the letter, of the law.

Please be aware that we expect full and timely reporting of all your campaign obligations. If you have any questions about when something is a reportable obligation, please contact Polly Grow. Future penalties for failing to timely and accurately report obligations will reflect the seriousness of the violation.

FILING REPORTS

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. LATE FILING PENALTIES INCREASE TO \$150 PER DAY

During the 30 days before the election, penalties for late-filed reports increase from \$50 per day to \$150 per day per report. Please remember to timely and accurately file reports.

2. 21-DAY AND 7-DAY C4S – Due 10/18 and 11/1

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 October 18, and must report activity from the day after your last report through the close of business on October 17. The 7-day report is due to be filed no later than 7 days before the election, on November 1, and must report activity through the close of business on October 31.

3. 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 have not yet received an invoice.

The campaign treasurer should contact each of the campaign's decision-makers at the end of the day on October 17 and again on October 31 and ask if they have made any verbal agreements with vendors to purchase goods or services or reserve advertising or production space. If the exact amount of the obligation is not yet known, you must report an estimate of the amount.

In general, if you have made a commitment to pay someone, or if a vendor has done any work on your behalf expecting payment— whether or not it's legally enforceable—

then you must report that activity as an obligation or a debt.

If you fail to timely report all required obligations your campaign may be subject to penalties in addition to late filing penalties.

4. 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 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 contributions and expenditures as well.

5. 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 broadcast advertising include the vendor (and subvendor) name, broadcast station, or cable vendor, dates the ad is scheduled to run, the length of the ad.).

6. FILE C-3s the DAY OF DEPOSIT during the 8 days before and including election day. If you did not make a deposit, you do not have to file a C-3.

7. CONTRIBUTION LIMITS DURING THE FINAL 21 DAYS

NEW 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. The SEEC voted on [May 2, 2012](#) to suspend enforcement of a similar provision in City law (SMC 2.04.265.B). Therefore, non-candidate committees *may* accept contributions or loans of more than \$5,000 in the aggregate during the final 21 days before the election.

8. SPECIAL REPORTS OF LATE CONTRIBUTIONS (SRLC)

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 (monetary or in-kind) from a single contributor of \$1,000 or more in the aggregate during the final 21 days before the election. Committees are required to file the Special Report 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 other contributions from that person received during the final 21 days before the election.

Contributions of \$1,000 or more, when aggregated and received during the final 21 days before the election must be reported as follows: 1) in an SRLC by 4:30 p.m. no later than the next business day, *and* 2) on a C-3 on or before the following Monday. If you e-file the C-3, the City’s e-filing system will prompt you to e-file the Special Report.

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**, but not yet reported. (See below for info on Electronically Filing the Special Report.) 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.

9. **ELECTRONICALLY FILING THE SPECIAL REPORT**

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

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

Click on the link to File Special Report and fill out the form. 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

10. **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. If the person who paid for the ad is different than the person who sponsored it, you must also include the words, “Sponsored by” followed by the name and address of the sponsor.

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 **must be clearly spoken**. [SMC 2.04.290 B]

11. **RECORDS AVAILABLE DURING THE FINAL 8 DAYS**

Campaign records must be available for public inspection for two hours on Monday, October 31, and by appointment, Tuesday through Friday, November 1 - 4, and also on Monday, November 7.

ACTION ITEM: If you have not already designated a **time and place** in Seattle for making your records available **on October 31, please send an email** to Wayne.Barnett@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.”

12. 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
wayne.barnett@seattle.gov

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

Yours truly,

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