

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. As of October 4, the late filing penalty is up to \$150 per day per late-filed report.

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 **October 12**, and must report activity from the day after your last report through the close of business on October 11. The 7-day report is due to be filed no later than 7 days before the election, on **October 26**, and must report activity from October 12 through the close of business on October 25.

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 have not yet received an invoice.

The campaign treasurer should contact each of the campaign's decision-makers after the close of business on October 11 and again on October 25 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.

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 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.

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 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.).

5. CONTINUE TO FILE C-3s EACH MONDAY until October 25 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. FILE DAILY C-3s BEGINNING OCTOBER 25 THROUGH NOVEMBER 2.

On the same day a deposit is made, file a C-3 with the SEEC to report that deposit.

7. CONTRIBUTION LIMITS DURING THE FINAL 21 DAYS

In January 2015 the City Council amended the elections Code to eliminate the prohibition on accepting contributions of more than \$5,000 during the final 21 days. (SMC 2.04.265.B). However, the prohibition still exists in State law.

Remember to check with the PDC about loan repayment restrictions if the candidate plans to loan funds to his or her campaign.

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 a Special Report of Late Contributions by 4:30 p.m. no later than the next business day, and 2) on a C-3 as required by [SMC 2.04.250 C](#).

8. SPECIAL REPORTS - Ballot Issue committees and Candidates contributing their own funds to their own committee.

**See instructions on page 4 below for how to use C3s and C4s
in lieu of Special reports this year.**

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.

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.

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. (See Item 4. above).

2) The committee must email a copy of the independent expenditure advertising to the SEEC at ethicsandelections@seattle.gov within two business days of disseminating the advertising.

3) The committee must also file with each Special Report an affidavit of independence stating that each officer of the committee making the expenditure and each maker of the advertising 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. Each affidavit must be notarized or declared under penalty of perjury. Email the affidavit to ethicsandelections@seattle.gov. If you are filing 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 here:

<https://web6.seattle.gov/ethics/seecFiler/login.aspx>

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

NEW For this election cycle, while we are in the process of updating our e-filing system, we have made a change to the Special Reporting process.

In lieu of filing **Special Reports of Late Contributions** with the SEEC, filers must file a C3 by 4:30 pm the next business day after **receipt**. If you have not deposited the contribution at the time the C3 Special Report is filed, you can estimate the date of deposit and later amend it, if necessary, to show the actual deposit date once the deposit has been made. Also, only contributions required to be reported by the Special Report deadline need to be on that C3. If you add additional contributions to that deposit you can report those by amending the C3 when the normal C3 deadline is reached.

In lieu of filing **Special Reports of Late Independent Expenditures** with the SEEC, filers must file a C4 by 4:30 pm the next business day after the making the independent expenditure or obligation. This C4 may (but does not have to) include expenditures in addition to the required independent expenditures. Remember to identify the candidate who benefitted from the expenditure.

If you have the option to add a note to the Special Report, you can state "Special Report" in the note.

We appreciate your patience as we employ this modification. If you prefer this method of filing Special Reports please let us know. Also, we understand the PDC is working on new software to report Independent Expenditures.

NEW: In late May we moved our e-filing system to a new URL. For those of you who have not been filing with us recently, please add this URL to your favorites.

<https://web6.seattle.gov/ethics/seecFiler/login.aspx>

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 THINGS TO REMEMBER

9. CERTIFICATE OF NON-FOREIGN INFLUENCE

City law requires the corporations who make Independent Expenditures, or contribute to IE committees or candidates must complete and file the Certificate of Independence. The certificate must be signed by the CEO of the corporation. Please find a template for the certificate and read the FAQs on our Non-Foreign Influence page at www.seattle.gov/elections → Law & Filer Info → Non-Foreign Influence.

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, video and automated telephone ads (robocalls). The sponsor identification **must be clearly spoken** in all broadcast and video 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.

Non-candidate committees must also include the names of the top five sponsors who contributed more than \$700 in the aggregate during the past year.

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 25, and by appointment, Tuesday through Friday, October 26 - 29, and also on Monday, November 1.

If you have not already provided the SEEC with **a time and place** for making your records available **on October 25th**, please send an email to ethicsandelections@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:

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

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

Polly Grow
SEEC
(206) 615-1248
polly.grow@seattle.gov