

# **Seattle Ethics and Elections Commission**

## **Elections Code Rules**

### **Rule 1**     **Definitions**

### **Rule 2**     **Establishing Political Committees**

- A. Using One's Own Resources
- B. Electoral Expenditures
- C. Identifying Features of a Political Committee
- D. New Political Committees
- E. Existing Political Committees
- F. Committees Organized Before the Election Cycle
- G. One Candidate, Multiple Election Committees

### **Rule 3**     **Establishing a Campaign Depository and Mailing Address**

- A. Opening a Bank Account
- B. Using an Exclusive Mailing Address

### **Rule 4**     **Filing Reports**

- A. Forms
- B. Reports Not Considered Filed
- C. Electronic Filing
- D. C-3 Reports
- E. Special Reports of Late Contributions
- F. Weekends and Holidays
- G. Amendments

### **Rule 5**     **Modification of Disclosure Requirements**

- A. Modification Requests
- B. Changed Circumstances
- C. Criteria for Exempting Disclosure
- D. Limited Suspensions of Reporting Requirements
- E. Public Hearing for Modification Request
- F. Requesting Modification on F-1 from PDC and SEEC

### **Rule 6**     **Receipts**

- A. Aggregation
- B. Reporting Aggregated Contributions
- C. Attribution
- D. Identification of Entity Type
- E. Identification of Source
- F. Attribution of Earmarked Contributions
- G. Accepting and Reporting Contributions Made by Credit/Debit Card
- H. Other

### **Rule 7**     **Payments**

- A. Refunding Contributions That Exceed the Contribution Limit
- B. Reimbursements to be Paid Within 21 Days
- C. Sub Vendors and Subcontractors – Cash Equivalents
- D. Outstanding Obligations
- E. Descriptions of Expenditures
- F. Use of Campaign Funds
- G. Internet Use

## **Seattle Ethics and Elections Commission Elections Code Rules**

### **Rule 8 Independent Expenditures**

- A. Committee Cannot Encourage Others to Make Independent Expenditures
- B. Expenditures Made in Concert, Collaboration, Coordination, Consultation or Cooperation
- C. Use of Committee's Political Advertising
- D. No Independent Acts with Inside Knowledge

### **Rule 9 Political Advertising**

- A. Sponsor ID Required on Printed, Electronic and Broadcast Messages
- B. Exceptions to Sponsor ID Requirement
- C. Commercial Advertisers – Public Inspection of Records

### **Rule 10 Prohibition Against Use of Public Office Facilities in Campaigns**

- A. Permissible Activities

### **Rule 11 Winding Up a Campaign**

- A. Disposition of Surplus Funds and Assets
- B. Transferring Surplus Funds or Capital Assets
- C. Disposing of Campaign Debt
- D. Transferring Debt

### **Rule 12 Maintenance and Inspection of Campaign Records**

- A. Records to be Maintained
- B. Availability of Records
- C. Location of Records

### **Rule 13 Miscellaneous**

- A. Designate Office and Date of Election
- B. Primary Election Results Uncertain

### **Rule 14 Public Office Funds**

- A. Prohibited Contributions
- B. Confirming Compliance with Rule 14.A
- C. Permissible Office Fund Expenditures
- D. Separate Written Instruments
- E. Separate Mailing Address
- F. When Officeholder is Reelected or Leaves Office
- G. Office Funds Subject to Campaign Finance Disclosure Regulations

### **Rule 15 Monetary Thresholds**

- A. Executive Director Duties and Mini-Reporting of Campaign Finances
- B. Electronic Filing for Candidates and Political Committees
- C. Reports of Personal Financial Affairs
- D. Treasurer's Reports and Reporting Related to SMC 2.04.250.D.
- E. Employer and Occupation Reporting Threshold
- F. Aggregate Lump Sum Contribution Reporting Threshold
- G. Special Reports of Late Contributions

### **Rule 16 Democracy Voucher Program**

## **Seattle Ethics and Elections Commission Elections Code Rules**

- A. Candidate's Representative
- B. Debates
- C. Qualifying Contributions
- D. Use of Democracy Voucher Proceeds
- E. Duplicate Vouchers
- F. Returning All Democracy Voucher Proceeds
- G. Primary Elections
- H. Maximum Campaign Valuations
- I. Authorizing Candidates' Official Campaign Websites to Host Democracy Voucher Replacement Forms
- J. Regulating the Collection of Democracy Voucher Replacement Forms

### **Rule 17 Revised Contribution Limits**

- A. New Contribution Limit Under SMC 2.04.370
- B. Contribution Limits Applicable to Democracy Voucher Program Participants

### **Rule 18 Special Elections**

- A. Maximum Campaign Valuations Related to the Democracy Voucher Program
- B. Contribution Limits Applicable to Democracy Voucher Participants
- C. Number of Democracy Vouchers Provided to Eligible Individuals
- D. Candidate Qualification for Democracy Voucher Program – Timing

### **Election Code Rules Adoption and Amendments**

### **Election Code Rules Administrative Revisions**

# Seattle Ethics and Elections Commission

## Elections Code Rules

### Rule 1 Definitions

The following definitions supplement those in SMC 2.04.010 and clarify the meaning of terms used in the Elections Code and these rules.

**A. “aggregate” means:**

1. for a campaign, a total of all contributions received, or expenditures made by a candidate or committee, together with all contributions received or all expenditures made by all political committees, together with all contributions received or all expenditures made by all political committees formed by or with the knowledge or consent of such candidate or committee in connection with such campaign;
2. for a contributor to a candidate or ballot issue committee, the total of all contributions made by the person to the specific candidate or political committee during an election cycle; or
3. for a contributor to an office fund or for a continuing political committee, the total of all contributions made by the person to the elected official in a calendar year.

**B. “candidate,”** as defined in SMC 2.04.010, includes an individual who (1) consents to the existence of a political committee promoting the election of such individual for public office; (2) solicits campaign pledges contingent on candidacy; or (3) publicly declares his or her candidacy, even if the candidacy is conditioned on a future occurrence.

**C. “cost of consumable”** means the cost of food, beverages, preparation, catering, or entertainment furnished at an event.

**D. “contribution”** includes services, property or rights furnished on a discriminatory basis or at less than fair market value, for the purpose of assisting any candidate or political committee.

*EXAMPLE: A person who is normally paid to be a campaign consultant assists in the development of political advertising for a campaign. The campaign must report the fair market value of the person’s time as an in-kind contribution to the campaign.*

**E. “contribution”** excludes the following:

1. news, feature, or editorial comment in a broadcast media program or in a regularly scheduled issue of a printed periodical that communicates ratings, evaluations, endorsements, or recommendations for or against a candidate or ballot proposition; PROVIDED, that the medium is controlled by a person whose primary business is broadcasting or publishing, and this person is not a candidate or political committee;
2. internal publications or other communications containing political comment of (a) a corporation or similar enterprise for its officers, management staff, and stockholders, (b) a union, association, or other membership organization for its members, or (c) a political party organization or political committee for its members or contributors; PROVIDED that only those persons who by an affirmative act knowingly become affiliated with an organization will be considered “members” by virtue of being able to vote, directly or indirectly, for at least one member of that organization’s governing board;

## **Seattle Ethics and Elections Commission Elections Code Rules**

**3.** messages in the form of reader boards, banners, yard, or window signs displayed on a person's own property or property occupied by that person: PROVIDED, that any facility used for such political advertising for which a rental charge is normally made shall be reported as an in-kind contribution and shall count towards the contribution limit of the person providing the facility;

**4.** use of a candidate's home or personal home office equipment;

**5.** legal and accounting services rendered to or on behalf of a candidate or an authorized political committee if the person rendering the services is volunteering his or her time, or if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with City, County or State election or public disclosure laws.

**F.** “clerical services,” to the extent that the services are rendered for the purpose of ensuring compliance with City, County or State elections or public disclosure laws in SMC 2.04.370.F.4, means activity such as copying campaign finance reports, typing campaign finance reports, taking campaign finance reports to the post office, or faxing them, and compiling records for the campaign finance reports.

**G.** “computer services,” to the extent that the services are rendered for the purpose of ensuring compliance with City, County or State elections or public disclosure laws in SMC 2.04.370.F.4, means activity such as developing or modifying a database program to report contributions and expenditures to the regulatory agencies, providing troubleshooting advice to the computer user when attempting to input data for or run reports of campaign finance data for the required reports. If a computer program includes multiple functions, the person providing the service shall estimate the percentage of use of the program for complying with elections and public disclosure laws and shall value the development, modification, or use of the remaining portion of the program at its fair market value. If the remaining portion of the computer program is contributed to the campaign at no charge the campaign must report it as an in-kind contribution, which shall be subject to the contribution limits, or the provider must charge the campaign for those services.

**H.** “debt” means a personal obligation or liability to pay or return something of value.

**I.** The “election cycle” for ballot issue committees begins whenever the committee expects to receive contributions or to make expenditures.

**J.** “fair market value” means the amount in cash a well-informed buyer or lessee, willing but not obligated to buy or lease property or services, would pay, and a well-informed seller, or lessor, willing but not obligated to sell or lease property or services, would accept, taking into consideration all uses to which the property or services might in reason be applied.

**K.** “legal or accounting services” on behalf of a candidate or an authorized political committee, to the extent that the services are for the purpose of ensuring compliance with City, County or State election or public disclosure laws, means legal review of the elections laws to assist the campaign in completing disclosure reports or determining if a contribution may be accepted or an expenditure may be made. “Legal services” includes assisting a committee in responding to a complaint being investigated by the Commission or the PDC or an audit by one of those agencies. “Accounting services” includes maintaining the campaign’s financial records,

## Seattle Ethics and Elections Commission Elections Code Rules

completing required campaign finance reports, and reviewing the reports during or after an audit by the Commission or the PDC.

**L.** “normal and regular conduct” means conduct that is: (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment (rule or law); and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

**M.** “ordinary home hospitality” means the provision of beverages and food items, such as coffee, tea, soft drinks, cookies, pie, cakes, chips at gatherings where the purpose is to meet the candidate or organize a campaign and where no admission fee is charged or contributions suggested to, or expected from, those attending. Events where the value of the consumables exceeds half the campaign contribution limit do not qualify as ordinary home hospitality.

**N.** “personal services of the sort commonly performed by volunteer campaign workers” as used in SMC 2.04.010 “contributions” 4. means stuffing envelopes, doorbelling, putting up yard signs, answering telephones, making telephone calls, word processing, data entry, waving signs, accompanying the candidate to events, carrying petitions, and running errands. If the volunteer uses skills for which that volunteer ordinarily charges a fee, the campaign must report the fair market value of the volunteer's services as an in-kind contribution. The following are examples of activity that must be reported as an in-kind campaign contribution: a public relations or political consultant providing campaign strategy advice, press event coordination, composition of or production of campaign advertising or fundraising materials; or a graphic artist designing art for campaign advertising or designing the campaign advertising.

**O.** “political advertising” does not include letters to the editor, news or feature articles, editorial comment or replies thereto in a regularly published newspaper, periodical, or on a radio or television broadcast where payment for the printed space or broadcast time is not normally required.

**P.** “sworn statement” means a statement prepared by the party making the statement and written and sworn to as to truth and accuracy to the best and actual knowledge or belief of the party making the statement.

### **Rule 2 Establishing Political Committees**

**A. Using One's Own Resources.** Persons who contribute only their own resources to candidates, ballot issue committees, or political committees, are not political committees. “Own resources” as used in this rule means the resources that the person has earned or received as earnings on investments, as opposed to resources that the person has solicited from or been given by others. “Own resources” includes labor union general funds that are constituted solely of mandatory union dues or mandatory representative fees.

**B. Electoral Expenditures.** Making an electoral expenditure includes making in-kind or monetary contributions to candidates, ballot issues or political committees. Making an electoral expenditure also includes making an independent expenditure promoting or opposing a candidate or ballot issue.

**C. Identifying Features of a Political Committee.**

## Seattle Ethics and Elections Commission Elections Code Rules

1. An individual, corporation, union, association or other organization or entity (“Organization”) that solicits or receives any amount of money for the express purpose of contributing or expending it to support or oppose a candidate or ballot issue is a political committee.
2. An Organization that segregates any amount of contributions and uses those segregated funds to make electoral expenditures is a political committee. Organizations that segregate contributions for the purpose of making electoral expenditures must report only the contributions placed in the segregated funds and the electoral expenditures made from the segregated funds. Such an Organization may not, however, make electoral expenditures from other funds, without reporting all contributions received and all expenditures made to the Organization.
3. An Organization is a political committee when one of the major purposes of the Organization is to receive contributions or to make expenditures to support or oppose a candidate(s) or to support or oppose a ballot issue(s). In deciding whether an Organization meets the “major purpose” test, the Commission will examine the totality of the circumstances, including whether the Organization:
  - a. has, during any twelve-month period made electoral expenditures of \$5,000 or more, in the aggregate, in support of or in opposition to one or more City candidates or in support of or in opposition to one or more City ballot issues. The aggregate shall be determined pursuant to the Elections Code, SMC 2.04, and Elections Code Rule 6;
  - b. represents that it has, or its materials state, a purpose of electing or defeating a candidate or ballot issue, or achieving a particular electoral outcome;
  - c. communicates that contributions to the Organization may be used to elect or defeat a candidate or ballot issue, or to achieve a particular electoral outcome;
  - d. shares officers with a political party or candidate or ballot issue committee;
  - e. seeks to establish a party or to set up a candidate for office;
  - f. receives funds from a political party or political caucus or political committee;
  - g. facilitates fund raising for a candidate or ballot issue, including but not limited to providing volunteers to work for the campaign, providing a room or telephones for fund-raising.
  - h. endorses candidates to the general public, not merely to its own members;
  - i. conducts surveys of voters, other than its own members, to determine how they will vote on a candidate or a ballot issue;
  - j. provides to campaigns lists of targeted voters.

**D. New Political Committees.** Regardless of whether a political committee has filed a statement of organization, a political committee organized within 35 days of an election shall

## Seattle Ethics and Elections Commission Elections Code Rules

report all contributions received and all expenditures made on the same schedule as registered political committees.

**E. Existing Political Committees.** Each political committee described in 1, 2, or 3 below shall: (1) calculate the entity's cash on hand at the time the expectation of receiving contributions or making expenditures in support of or in opposition to a City office candidate or a City ballot measure arose; (2) list the deposits it has made of that cash on hand in reverse chronological order starting with the last deposit previous to the expectation, until the aggregate of the listed deposit(s) equals or exceeds the total of that cash on hand; (3) file with the City Clerk a C-4 listing those deposits and that goes back far enough in time to show total contributions exceeding the amount of cash on hand at the time the expectation arose and a file C-3 for each such deposit listing the contributors who were the source of the funds for that cash on hand amount.

1. A political committee that was previously established for another purpose and expects to solicit contributions for or to make electoral expenditures involving City office candidates or City ballot issues shall, within 14 days of the expectation, file with the City Clerk a copy of its C-1 report filed with the PDC.
2. An existing political committee that during the final 21 days before the election develops an expectation of receiving contributions or making expenditures in support of or in opposition to a City office candidate or a City ballot measure, shall file a C-1 within three days of first having the expectation.
3. An existing political committee that between the 35<sup>th</sup> day and the 21<sup>st</sup> day before the election develops an expectation of receiving contributions or making expenditures in support of or in opposition to a City office candidate or a City ballot measure and which has not filed a C-1 before the 21<sup>st</sup> day, shall file a C-1 within three days of first having the expectation, or on the 21<sup>st</sup> day before the election, whichever is later.

**F. Committees Organized Before the Election Cycle.** A candidate may organize a candidate committee before the beginning of the election cycle for the office he or she seeks but may not accept contributions before the beginning of the election cycle. A candidate committee may, however, accept the transfer of surplus funds from a previous campaign by the same candidate for the same office prior to the beginning of the election cycle for the office sought.

### **G. One Candidate, Multiple Election Committees.**

1. **Same Election Cycle.** If a candidate has two or more committees open simultaneously for campaigns for different offices that will likely be on the ballot in the same election year, each expenditure shall be divided equally among all committees until the candidate determines which office to run for. At that time, the advancing committee shall reimburse the disbanding committee(s) for the prorated cost of each expenditure.
2. **Different Election Cycles.** If a candidate has multiple election committees open simultaneously for offices that are on the ballot in different election cycles then all expenditures that benefit more than one candidacy shall be paid by the committee for the office that will appear on the ballot first.

## **Rule 3 Establishing a Campaign Depository and Mailing Address**



## Seattle Ethics and Elections Commission Elections Code Rules

**A. Opening a Bank Account.** A candidate must designate a unique bank account for a political committee. The Executive Director may waive this requirement if the candidate will not accept campaign contributions from others.

**B. Using an Exclusive Mailing Address.** A candidate must designate an exclusive mailing address for a political committee. Non-candidate committees must designate an exclusive mailing address unless the names of the entities are sufficiently distinct to avoid confusion.

*EXAMPLE: The XYZ Association and the XYZ PAC cannot share a mailing address because the names of the entities are similar.*

### Rule 4 Filing Reports

**A. Forms.** Committees must use the following PDC-prepared forms to file reports with the Commission: C-1, Candidate Registration; C-3, Cash Receipts, Monetary Contributions; C-4, Receipts and Expenditure Summary; C-5, Out-of-State Political Committee Report.

**B. Reports not Considered Filed.** Reports that (i) do not contain substantially all required information, (ii) are not submitted in a Commission-approved format, or (iii) contain knowing errors or substantial omissions of fact, are not considered filed, and subject the committee to late filing penalties.

### C. Electronic Filing.

#### 1. Uploading

a. ORCA Method. Filers will upload reports to the Commission using the interface provided for this purpose in the PDC's ORCA client software or using privately published client software that uses the same standards and processes as the ORCA client.

b. Web Method. Filers, using web-browsing software, will enter the upload application by opening the following web page: [www2.ci.seattle.wa.us/ethics/filers/login.asp](http://www2.ci.seattle.wa.us/ethics/filers/login.asp). Users will then log in to the application using the username and password provided to them by Commission staff. The filer will then follow the instructions in the application to upload properly formatted electronic files.

c. The Executive Director may authorize additional methods of electronic filing.

#### 2. Review and Certification

a. The filer will log into the Commission's web application described above under "web method." "ORCA method" filers will review the contents of each report they have previously uploaded by ORCA. "Web method" filers will see each report in its entirety immediately after uploading it.

b. If the contents, as displayed, are true and correct the filer will certify the report, and indicate whether the report is new, or an amended version of a previously filed report. A report certified in this manner shall be considered certified pursuant to Chapter 2.04 of the Seattle Municipal Code by the person whose username and password were utilized to enter the application.

## Seattle Ethics and Elections Commission Elections Code Rules

c. Filers may also certify the reports by filing a paper “Certification Form” with the Seattle City Clerk in the form provided by the Executive Director on the web application.

**3. Passwords.** The Commission will assign each individual filer a password which may be used only by the filer to gain access to the application. The application provides filers with the ability to change the password at any time. A person to whom the Commission assigns a password is personally responsible for all filings made using that password or any succeeding password established using the initially assigned password.

**4. Error Messages.** When the upload application has repeatedly displayed error messages after at least two separate attempts to use it while connected to the Internet, the user should either (i) promptly notify Commission staff and await further instructions or (ii) file the reports using a method previously authorized by the Executive Director.

**D. C-3 Reports.** A separate C-3 must be filed for each deposit. Funds transferred from a previous campaign or from a surplus funds account, pursuant to Rule 11.B, must be reported on a separate C-3 with a notation that the funds have been transferred. The report must include the names and addresses of all contributors. The names of two contributors at the same address contributing from a joint account may be reported on the same line. Organization names shall be listed without using acronyms. If the contributor is self-employed, list the occupation and the DBA, and its city and state, or the name, city, and state of the contributor’s business. If the contributor owns more than one company, report the name, city and state of the parent company or the company with the highest revenues.

**E. Special Reports of Late Contributions.** Each Special Report of Late Contributions must contain an itemized list of reportable contributions and for each contribution shall include: (i) the date of receipt; (ii) the name and address of each contributor; (iii) the amount of the contribution; and (iv) the aggregate amount of each contributor’s contributions to the campaign to date.

**F. Weekends and Holidays.** Except for Special Reports of Late Contributions, reports due on Saturday, Sunday or a postal holiday must be filed by midnight the following business day. Special Reports of Late Contributions due on Saturday, Sunday or a postal holiday must be filed by 4:30 p.m. the following business day. For reports mailed First-Class with adequate postage, the post office cancellation stamp date constitutes the filing date. An electronic file will be considered filed on the date the Commission’s server software records receipt of such a file.

**G. Amendments.** All C-3 amendments shall be certified by the treasurer or deputy treasurer who made the deposit. All other amendments shall be signed by the treasurer and the candidate.

### Rule 5 Modification of Disclosure Requirements

**A. Modification Requests.** Any person required to file reports under the Elections Code who seeks modification of the reporting requirements shall submit to the Executive Director an application identifying the modification requested and the reasons for the requested modification no later than five business days after the date that the statement of organization is due to be filed under the Elections Code.

**B. Changed Circumstances.** The only exception to subsection A of this rule is that a person who has substantially complied with the Elections Code and these rules may make a request for

## Seattle Ethics and Elections Commission Elections Code Rules

modification based on changed circumstances after the C-1 was filed. That application must be made as soon as the changed circumstances are known or should reasonably have been known by the person seeking modification. In determining whether to grant a modification requested more than five business days after the C-1 was due, the Commission will consider only evidence of events that occurred after the C-1 was filed and that could not with reasonable diligence have been obtained by the person making the request until more than five business days after the C-1 was due.

**C. Criteria for Exempting Disclosure.** The Commission shall grant a disclosure exemption where the requesting party has made a showing that there is a reasonable probability that the compelled disclosure of a candidate's contributors' or vendors' names, addresses and/or employers will subject them to threats, harassment, or reprisals from either Government officials or private parties.

**D. Limited Suspensions of Reporting Requirements.** Unless and until a request for modification is granted, all filings shall be in full compliance with the Elections Code and these rules, except that the Commission, upon written request by the applicant, for good cause, may without a hearing and on an expedited basis grant a limited suspension of the reporting requirements for a period to last no longer than the date of granting or denial of the request for modification. If, and to the extent the requested modification is denied, the suspended reports without modification shall be due and filed when specified in the Commission determination.

**E. Public Hearing for Modification Request.** Except as provided in subsection F below, the Executive Director shall schedule a public hearing on the request for modification for as soon as practical before the Commission. At the hearing, the person seeking modification shall have an opportunity to present evidence and argument in support of the request. The Commission may permit others to provide testimony pertinent to the request. After holding such hearing, the Commission will issue a written determination.

**F. Requesting Modification on F-1 Personal Financial Affairs Statement form from PDC and SEEC.** The Commission may, without a hearing, grant a candidate's request to file a modified statement of financial affairs on the same terms as ordered by the PDC. In the alternative, the Commission may demand a hearing on the request, and issue a written determination granting or denying the request in whole or in part.

### Rule 6 Receipts

**A. Aggregation.** For the purposes of the contribution limitations contained in SMC 2.04.370, and for reporting purposes, contributions from two or more persons will be aggregated and considered to be made by a single person if any of the circumstances listed below is applicable:

1. Contributions from a national or international labor union, or state body of such national or international labor union, shall be aggregated with contributions from local unions or other subordinate organization of such national or international labor union or state body.
2. Contributions from a trade association or state body of such trade association shall be aggregated with contributions from branches or local units of such trade association.
3. Contributions from a national or state collective bargaining organization shall be aggregated with contributions from branches or local units of such national or state collective bargaining organization.

## **Seattle Ethics and Elections Commission Elections Code Rules**

- 4.** Contributions from a national or international federation of labor unions, or a state federation of labor unions, shall be aggregated with contributions from local bodies of such federation.
- 5.** Contributions from a membership organization shall be aggregated with contributions from local units or branches of such membership organization.
- 6.** Contributions from a political committee established, financed, maintained, or controlled by another entity shall be aggregated with contributions from such other entity.
- 7.** Contributions from an entity shall be aggregated with contributions from any other entity that has the same individuals constituting a majority of the members of each entity's board of directors.
- 8.** Contributions from an entity shall be aggregated with contributions from any other entity that has the same officers or with whom it shares a majority of officers. For the purposes of this subdivision an officer does not include an individual who serves only as a member of the entity's board of directors.
- 9.** Contributions from a corporation or limited liability company shall be aggregated with contributions from any other corporation or limited liability company that (a) has the same majority shareholder and/or member or (b) holds a majority of voting rights in such corporation or limited liability company.
- 10.** Contributions from a corporation shall be aggregated with contributions from any parent or subsidiary corporation unless each of the contributing corporations is publicly traded.
- 11.** Contributions from an individual shall be aggregated with contributions from any corporation, limited liability company, firm, joint venture, syndicate, business trust, company, or other business entity in which the individual owns an investment of 50% or more or holds a majority of voting rights.
- 12.** Contributions from a general partner shall be aggregated with contributions from any general or limited partnership in which the general partner owns an investment of 50% or more or holds a majority of voting rights.
- 13.** Contributions from unemancipated children under 18 years of age shall be aggregated with contributions from their parent(s) and attributed proportionately to each parent, one-half to each parent or the total amount to a single custodial parent, unless the committee receives instructions to attribute the contribution in different proportions.
- 14.** Contributions from emancipated children under 18 years of age shall be aggregated with contributions from their parents and attributed in the same manner as contributions from unemancipated children under 18 unless: (a) the decision to contribute is made knowingly and voluntarily by the child; (b) the funds, goods, or services contributed are owned or controlled exclusively by the child, such as income earned by the child, the proceeds of a trust of which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and (c) the contribution is not made from the proceeds of a gift, the purpose of which was to provide funds for the child to contribute, or is not in any other way controlled by another person.

## Seattle Ethics and Elections Commission Elections Code Rules

**B. Reporting Aggregated Contributions.** If contributions are to be aggregated under A, then contributions from such entities must be reported as contributions from the individual, or from whichever entity first contributed to the campaign in that election cycle, as appropriate.

**C. Attribution.** To identify the source of a contribution received by check or other written instrument, a candidate or treasurer shall:

1. Attribute a contribution drawn upon a personal account to the person whose name is printed on the face of the check or negotiable instrument.
2. Attribute a contribution drawn upon a joint account in equal proportion to each of the account holders as identified by the names printed on the face of the check or negotiable instrument unless the candidate or treasurer has reason to believe that the contributions should be allocated in different proportions.
3. Attribute a contribution drawn upon the account of a sole proprietorship to the proprietor.
4. Attribute a contribution drawn upon a partnership account but which is to be paid from the capital account of one or more individual partners to the contributing partner(s).

**D. Identification of Entity Type.** Any contribution that is reported from any entity must identify the entity as a Corporation, Partnership, Union, Association, Political Committee or, if some other type, a description of the type. Such information must be provided on the C-3 report along with the name and address of the entity, the amount of the contribution and the aggregate of contributions made by that entity in the relevant election cycle. An entity's name that includes the words "Inc.", "Corp.", "Local" or "PAC" will satisfy this requirement in most cases.

**E. Identification of Source.** When the source of funds for a monetary or in-kind contribution is not the person who gives the monetary or in-kind contribution to a campaign, the person giving the contribution shall be presumed to have concealed the source of the contribution if, at the time the contribution is made, the person does not inform the candidate or treasurer of the true and actual source of funds from which the contribution is made. In cases where the source of the contribution is known, the campaign treasurer shall report the known source of the contribution. Contributors of contributions made through an intermediary or conduit or transmitted by an intermediary shall identify the true and actual source of the funds.

**F. Attribution of Earmarked Contributions.** An earmarked contribution shall be attributed to both the actual contributor and the conduit. All contributions made by a person or entity, either directly or indirectly, to a candidate or to a political committee, are considered to be contributions from that person or entity to the candidate or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate or political committee. For the purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, expressed, or implied, or oral or written, that is intended to result in or does result in all or any part of a contribution being made to a certain candidate. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate, the contribution is considered to be by both the original contributor and the conduit or intermediary.

**G. Accepting and Reporting Contributions Made by Credit/Debit Card.**

## **Seattle Ethics and Elections Commission Elections Code Rules**

**1.** Contributors may not use corporate credit/debit cards to make campaign contributions. The campaign shall verify that the credit/debit card funds being contributed are the personal funds of the contributor and are not those of another by:

- a. requiring the contributor to:
  - 1) check a box on a website affirming that the contributor is using his or her own personal funds, or
  - 2) sign a remittance envelope or a credit card slip authorizing the use of the contributor's credit/debit card for the contribution, and,
- b. obtaining the bank's approval of the transaction based upon, at a minimum, characters from the credit/debit card number and expiration date.

If such verification cannot be obtained, the campaign shall not process the contribution.

**2.** A credit/debit card contribution obtained by telephone or in person is received when the credit/debit card information is given to the campaign official or the campaign's agent. Such credit/debit card information shall be submitted to the credit/debit card company within five business days of receipt by the campaign or the campaign's agent. A credit/debit card contribution made on the Internet is received on the date when a campaign official or the campaign's agent receives notice of the contribution. If the credit/debit card information is transmitted directly to the credit/debit card company when the cardholder posts the card number on the campaign website, the campaign receives notice of the contribution when the campaign official or the campaign's agent receives the credit/debit card company's statement of the deposit of those funds. If the credit/debit card information is stored until the campaign retrieves it and submits it to the credit/debit card company, the campaign receives notice of the contribution when the campaign official or the campaign's agent retrieves the information. A campaign official or a campaign agent shall check the storage site at least once a week to retrieve such information and shall submit the information to the credit/debit card company no later than five business days from the date the cardholder posted the card number on the campaign website.

**3.** A candidate or political committee must treat the full amount of a contribution as the contributed amount, even though the candidate or political committee may receive a lesser amount because of transaction fees. If the bank deposit by the credit/debit card company is for the contribution amount less the transaction fee, the campaign shall report on the C-3 for that deposit, the total contribution for each contributor. The transaction fee shall be reported on the Schedule A of the appropriate C-4.

**4.** When a contribution is made by credit/debit card over the Internet, the electronic record of the transaction created and transmitted by the accountholder shall constitute a "written instrument." This record must be printed in hardcopy and preserved by the recipient candidate or political committee for five calendar years.

**5.** A committee must collect the following information regarding credit card contributions, in addition to the information that otherwise must be reported under the Elections Code:

- a. Name on Card
- b. Date Contribution Processed (submitted to the bank)

## Seattle Ethics and Elections Commission Elections Code Rules

- c. Authorization Code provided by the bank
- d. Expiration Date of Credit/Debit Card
- e. Credit/Debit Card Type (Visa, MasterCard, American Express, etc.)
- f. Last Four Numbers of Credit/Debit Card

6. A web page on which credit/debit card contributions are solicited shall provide the following boxes for the contributor to check for self-screening and affirmation that: (a) the funds being contributed are the personal funds of the contributor and are not those of another, (b) the contributor is not a foreign national who lacks permanent resident status in the United States, (c) the contributor is making the contribution via the contributor's personal credit or debit card for which the contributor has a legal obligation to pay, and not through a corporate or business entity card or the card of another, and (d) the contributor is at least 18 years old. If the contribution exceeds \$100, the website must also require the contributor to list his or her occupation and the name, city, and state of his or her employer.

### H. Other

**1. Vendors to Bill for Services.** Any vendor who fails to disclose, within 60 days after delivering goods or services to a campaign, the value of the goods or services that cannot be valued other than by giving a bill of accounting shall be deemed to have contributed the goods or services to the campaign.

**2. Vendors May Extend Credit.** A vendor who extends credit other than in the ordinary course of business, or a vendor who extends credit to a candidate or committee for a period exceeding the lesser of the normal business or trade practice in the industry or 90 days, has made a contribution equal in value to the credit extended, unless the vendor has made a commercially reasonable attempt to collect the debt or obligation. In determining whether a vendor has made a commercially reasonable attempt to collect the debt, the Commission shall consider: (1) whether the vendor followed its established procedures and its past practice in approving the extension of credit; (2) whether the vendor received prompt payment in full if it previously extended credit to the same candidate or political committee; or (3) whether the extension of credit conformed to the usual and normal practice in the vendor's trade or industry.

**3. Pay Bills in 90 Days or Less.** A candidate or committee that accepts goods or services for campaign purposes on credit shall pay for those goods or services in full no later than 90 days after receipt of a bill or invoice and in no event later than 90 days after the last day of the month in which the goods were delivered or the services were rendered. Failure to make such payment shall be deemed the solicitation or receipt of a campaign contribution equal in value to the outstanding obligation, irrespective of the commercial reasonableness of any efforts by the vendor to collect.

**4. Unidentified Contributors.** A contribution of more than \$25 from a contributor who provides his or her name, and who provides no mailing address shall be reported in Line 2 of the C-3 with the notation that the contributor failed to provide the required information. The amount of the contribution shall be included in the committee's aggregate of unidentified contributions and shall be subject to SMC 2.04.210.

**5. Estimates.** When the candidate or campaign receives an in-kind contribution but does not yet know the value of the contribution (e.g., use of telephone or free rent) the treasurer shall report a reasonable estimate of the value with a notation that the value is estimated.

## Seattle Ethics and Elections Commission

### Elections Code Rules

Once the actual value is known, the committee must report the difference between the estimated and actual values of the in-kind contribution.

**6. Contributions Received During Election Cycle.** Contributions may be received only during the election cycle. Any contributions received by the campaign before the beginning of the relevant election cycle, or after the end of the relevant election cycle, shall not be deposited and shall be returned to the contributor. The campaign shall keep a record of the receipt and return of such contributions, but is not required to report them, since the funds shall not be deposited.

**7. Bank Interest.** If the amount of bank interest credited to the committee's accounts from a single bank by the committee during the reporting period totals more than \$200, then the filer must report the bank interest on the C-3 covering the reporting period during which interest was credited. If the amount of bank interest credited during the reporting period is \$200 or less, the filer may report that bank interest during the reporting period in which the filer receives the bank statement that reports that interest. On the C-3, the filer will report the date the statement reporting the interest was received as the deposit date, with a note in the memo field stating the date the bank credited the account. For purposes of this rule, interest is "credited" on the date shown on the statement for the deposit of interest into the account.

*EXAMPLE: A campaign that files its July C-3s with its monthly C-4 on August 10 might not receive the bank statement reporting July's bank interest of \$17.02 until August 11 or later. Instead of requiring the committee to amend the July C-3 and C-4 reports, the treasurer may report the bank interest on the date the statement was received (August 11) with a memo showing that the interest was credited to the account on July 31.*

### 8. Low-cost Fundraisers

a. Any funds in the possession of a campaign that were not given to a campaign agent, e.g., cash placed in an unattended container, shall be treated as anonymous contributions subject to the anonymous contribution limit of SMC 2.04.210.

b. Only the following fundraising activities may qualify as "low-cost fundraisers" for the special low-cost fundraiser reporting pursuant to SMC 2.04.220.A.1: (a) the sale of low-cost items such as pencils, T-shirts, and other small items, or minor services, such as car washes, at prices that do not exceed a reasonable approximation of the fair market value of each item or service sold at the fund-raiser, or (b) a gambling operation licensed, conducted, or operated in accordance with the provisions of RCW Chapter 9.46, or (c) events at which an entry fee is charged, so long as the total of all the per person entry fees for the campaign's low-cost fundraiser events held in a single election cycle does not exceed \$25.

c. Payment of more than \$25 for goods or services or for participation in a gambling game licensed, conducted, or operated in accordance with the provisions of RCW Chapter 9.46, may be accepted at low-cost fundraisers, but the name, address and, where payments aggregate to more than \$100, the payer's occupation and employer name, city and state must be recorded and reported pursuant to SMC 2.04.220.C.6.

d. Reporting contributions to low-cost fundraisers as a lump sum without contributor name and address is in lieu of reporting them as anonymous contributions. Therefore, only sales and low-cost or gambling events at which it is not practical to obtain the



## Seattle Ethics and Elections Commission Elections Code Rules

names and addresses of the contributors may be reported pursuant to SMC 2.04.220.C.6.

e. The low-cost fundraiser report for a sales event shall include a description of the number of and the individual price for the items or services that were sold, and the number of sales made.

### 9. Cost of Consumables

a. In certain cases, such as fundraisers where the campaign provides food or drinks, campaigns may deduct the cost of consumables from a contribution and report the remainder of the contribution.

b. If the committee charges more for admission to an event than the contribution limit allows with the intent that the cost of consumables will be deducted from the admission price, the committee must include a written notice with the invitation and with any subsequent confirmation device (e.g. admission ticket, confirmation postcard, email) that clearly states: 1) the portion of fully-paid admission that will be treated as a contribution, and 2) the per person cost of consumables.

c. If a single person purchases more than one ticket to a single fundraising event, the cost of consumables can be deducted only from the price of one ticket; the full price of all the other tickets that same person purchased must be reported as a contribution and is subject to all contribution limits.

## Rule 7 Payments

**A. Refunding Contributions That Exceed the Contribution Limit.** If a committee receives a contribution exceeding the contribution limit, the treasurer or deputy treasurer may return the contribution, or deposit the contribution and immediately refund the excess contribution amount. If the committee elects to refund the amount of the contribution over the limit, the committee must maintain a sufficient bank balance until the refund check is cashed to cover the cost of the committee's expenditures in addition to the refunded amount. If the refund does not clear the committee's bank account within 60 days of the campaign's receipt of the illegal contribution, the treasurer must void or stop payment on the refund check and issue the contributor a cashier's check for the excess contribution amount. The treasurer may deduct the cost of the cashier's check from the contributor's refund.

**B. Reimbursements to be Paid Within 21 Days.** Any person who, with the expectation of repayment, makes documented out-of-pocket campaign expenditures on behalf of a campaign has made a loan to the committee, which shall be subject to the Election Code's contribution limits, unless that person is reimbursed within 21 days of the expenditure. Out-of-pocket campaign expenditures are in-kind contributions subject to the Elections Code's contribution limits.

### C. Sub Vendors and Subcontractors – Cash Equivalents.

**1. Payments to Sub Vendors and Subcontractors.** Expenditures made on behalf of a candidate or political committee by any person, agency, firm, organization, entity, or otherwise, employed or retained for the purpose of organizing, directing, managing, or assisting the candidate's or the committee's efforts shall be deemed expenditures by the

## Seattle Ethics and Elections Commission

### Elections Code Rules

candidate or committee. Such expenditures shall be reported by the candidate or committee as if made or incurred by the candidate or committee directly. For example, when payments to a consultant, in the aggregate, exceed the threshold for itemizing expenditures (\$200), the following shall be reported: (1) the purpose of the consultant's work; (2) the consultant's name and address; (3) the amount paid to the consultant; and (4) the names and addresses of the entities to which the consultant made payments in excess of the threshold for itemizing expenditures (\$200), the purpose of those payments, and the amounts of those payments.

**2. Payments Using Cash Equivalents.** A cash equivalent includes but is not limited to currency, gift cards, and gift certificates. A campaign that purchases a cash equivalent must report the following information: the name and address of the vendor providing the cash equivalent, a description of the item including the number of items purchased, and the dollar amount. For each recipient of more than \$200 in cash equivalents during the reporting period, the campaign must also report the name and address of each recipient of the cash equivalent(s), and the amount provided to each recipient. If the recipient is not known at the time the report is due, the campaign must amend the report showing the expenditure once the recipient is known.

**D. Outstanding Obligations.** When an obligation of \$50 or more has been outstanding for 30 days or more, or when the estimated value of an obligation at the time it is incurred is \$250 or more, the treasurer shall report the actual value, if known, or a reasonable estimate of the value of the obligation.

**E. Descriptions of Expenditures.** Treasurers shall provide a description of each expenditure, with a narrative description of each expenditure in excess of \$5,000. Expenditures by credit or debit card shall be reported as if the campaign paid the vendor directly, i.e., the name and address of the vendor that accepted the credit/debit card payment, and the purpose of the expenditure to that vendor shall be reported.

#### **F. Use of Campaign Funds**

**1. No Personal Use.** Campaign funds may not be used for the material personal benefit of the candidate, campaign staff or campaign volunteers. This prohibition includes, but is not limited to: household food items or supplies; clothing (other than special attire such as tuxedos or formal gowns for special campaign events and items of clothing that are directly related to the campaign, e.g., T-shirts or caps with campaign insignia); hygiene and grooming; travel other than for campaign purposes; payment of personal debt; membership in organizations that provide members with material benefits (such as health clubs and country clubs) or memberships in other organizations unless such memberships are directly related to the candidate's campaign and would not be sought except for campaign purposes; tuition payments, other than those associated with training campaign staff; funeral, cremation or burial expenses; mortgage, rent or utility payments for candidate or candidate family residence or for personal property owned by the candidate or candidate family member and not used for campaign purposes; admission to sporting event, concert, theater or other form of entertainment, unless admission is directly related to a specific campaign activity and not merely incidental to that activity; or salary payments to a candidate family member or other person, unless the family member or other person is providing bona fide services to the campaign and the payments are not in excess of the fair market value of the services provided.

## Seattle Ethics and Elections Commission Elections Code Rules

### **2. Campaign Expenditures that Benefit Candidate, Committee Staff or Volunteers.**

Campaign expenditures that benefit the candidate, committee staff or volunteers are permissible when directly related to the campaign.

*EXAMPLE: A campaign may throw a pizza party or other team building event that occurs during the course of the campaign.*

**3. No Public Office Expenditures.** Campaign funds may not be used for public office expenses, including, but not limited to, general operation and overhead of public office, gifts, or parties for public office employees or their relatives.

**4. Candidate Committees Cannot Contribute to Other Candidates.** Candidates and candidate political committees may not use campaign funds to contribute to another candidate, a candidate committee, or a political action committee, except that surplus funds may be contributed to a bona fide political party or political party caucus.

## **G. Internet Use**

### **1. Websites**

a. A committee's expenditures to design, develop, maintain, and/or advertise candidate or ballot issue committee websites are reportable. If the website design, development, and maintenance are done by a volunteer who (i) does not ordinarily charge a fee for that work and/or (ii) is not paid by someone to do the work, the value of that work is not a contribution.

b. When someone other than the committee expends money, in concert, collaboration, coordination, consultation or cooperation with the campaign, to design, develop, maintain, and/or advertise a website that promotes or opposes the candidate or ballot issue, the expenditure is an in-kind contribution. When a person expends \$100 or more, not in concert, collaboration, coordination, consultation, or cooperation with the campaign, to design, develop, maintain, and/or advertise a website that promotes or opposes the candidate or ballot issue, the expenditure is an independent expenditure that must be reported by the person making the expenditure.

c. Websites are not reported as contributions to the campaign when they are set up on home computers by volunteers who do not spend funds in addition to the funds usually spent on their personal Internet services. Expenditures for items such as registering a domain name or hosting the site on server space that is not part of the volunteer's usual allocated space are, however, reportable, either as expenditures by the campaign, or in-kind contributions to the campaign.

### **2. Links**

a. Links to candidate or ballot issue committee websites or email addresses are not contributions unless:

- 1) the site with the link normally charges for posting a link, in which case the link is an in-kind contribution valued at the fair market value of the link; or

## Seattle Ethics and Elections Commission Elections Code Rules

2) money is expended to post the link, in which case the person spending the money has made an in-kind contribution; or

3) money is expended to advertise the site on which the link is placed for the purpose of drawing users to the site, in which case the person paying for the advertising will have made an in-kind contribution to the campaign valued at the expenditure for the advertising.

b. Expenditures for posting, maintaining, or advertising a link are not contributions when the entity provides links to all candidates in the same race, without editorial comment or ranking of the candidates by order of presentation.

*EXAMPLE:* Links on the League of Women Voters' website to candidate websites do not constitute contributions to the campaigns because the League links to all campaigns that have websites and does not rank the candidates but presents them as they appear on the ballot or alphabetically with other candidates for the same position.

**3. Electronic Messages and LISTSERVs.** A committee must report the value of address lists to which it transmits electronic messages or LISTSERV messages. Address lists with value include: (i) lists that have been purchased; (ii) lists that have been compiled from private sources, other than the person compiling the list; (iii) lists compiled from public records by a person paid to compile them; (iv) lists provided by one campaign to another campaign.

### Rule 8 Independent Expenditures

**A. Committee Cannot Encourage Others to Make Independent Expenditures.** If a candidate or a political committee advises, counsels or otherwise knowingly encourages any person to make an expenditure which, if made by the candidate or committee would be regulated by SMC 2.04, for the purpose of avoiding direct contributions or for any other reason, the person making such expenditure shall be considered an agent of the candidate or political committee encouraging the expenditure and the expenditure shall be considered an expenditure of such candidate or political committee.

**B. Expenditures Made in Concert, Collaboration, Coordination, Consultation or Cooperation.** Expenditures made by any person in concert, collaboration, coordination, consultation, or cooperation with, or at the request, or suggestion of a candidate, his or her political committee, or their agents shall be considered to be an in-kind contribution to, and an in-kind expenditure by, the candidate.

**C. Use of Committee's Political Advertising.** It is not an independent expenditure to finance or carry out the dissemination, distribution, or publication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or the authorized agent of a candidate or political committee. Such activity is a contribution to the candidate or political committee.

**D. No Independent Acts with Inside Knowledge.** No person with material inside knowledge regarding a campaign, including paid consultants and unpaid volunteers, may make independent expenditures that benefit that campaign.

### Rule 9 Political Advertising

## Seattle Ethics and Elections Commission Elections Code Rules

### A. Sponsor ID Required on Printed, Electronic and Broadcast Messages.

**1. Written materials.** Sponsor identification shall be placed on all written materials promoting or opposing a candidate or ballot issue, including, but not limited to, brochures, newspaper and magazine advertisements, web pages, widely distributed email messages, handouts, and leaflets, except as provided below. Campaign or candidate websites and electronic communications promoting or opposing ballot issues or candidates are political advertising that require sponsor identification, except that websites and electronic communications do not require sponsor identification if they were designed, drafted and distributed by individuals who do not ordinarily charge a fee to design, draft, or distribute website or electronic communications, are not paid by someone to do so, and are using their personal computers and lists of email addresses that have no fair market value.

**2. Broadcast Advertising.** Broadcast political advertising need not include the sponsor's address but must include the sponsor's name.

**B. Exceptions to Sponsor ID Requirement.** Sponsor identification is required on all forms of political advertising except the following:

leaflets containing only the expressions of the person who drafts, distributes by hand, and pays for the copying of them and who functions independently of any campaign. *McIntyre v. Ohio Elections Comm'n*, 514 US 334, (1995);

ashtrays	hats	pinwheels
badges & badge holders	horns	plastic tableware
balloons	ice scrapers	pocket protectors
bingo chips	inscriptions	potholders
brushes	key rings	reader boards with
bumper stickers (4" x 15" or smaller)	knives	moveable letters
business cards	labels	ribbons
buttons	letter openers	rulers (12" or smaller)
cigarette lighters	magnifying glasses	shoehorns
clothes pins	matchbooks	skywriting
clothing	nail clippers & files	staple removers
coasters	newspaper ads (one column inch or smaller)	stickers (2-3/4" x 1" or smaller)
combs	noisemakers	sunglasses
cups	official state or local voter pamphlets	sun visors
earrings	paper & plastic cups	swizzle sticks
emery boards	paper & plastic plates	tickets to fund raisers
envelopes	paper weights	water towers
erasers	pencils	whistles
frisbees	pendants	yard signs*
glasses	pennants	yo-yos and all similar items
golf balls & tees	pens	
hand-held signs		

\*The Washington Public Disclosure Commission requires sponsor ID on yard signs.

### C. Commercial Advertisers—Public Inspection of Records.

## Seattle Ethics and Elections Commission Elections Code Rules

1. For the purposes of SMC 2.04.280, the “exact nature and extent of the advertising services rendered” means:

- a. A copy of the advertisement itself.
- b. The name of the candidate or ballot measure supported or opposed, or the name of the candidate otherwise identified.
- c. Date(s) the commercial advertiser rendered service, and dates the advertisement was displayed to the public.
- d. For printers, reproducers and other persons who provide commercial duplicating services: Quantity of items, item description, design, layout, typesetting, photography, printing, silk screening, binding.
- e. For mailing services: Quantity of items mailed, binding, stuffing, labeling, list or directory services, postage, or delivery.
- f. For radio and television: Time and number of spot advertisements, and programs on which the purchaser requested the advertisement run. If the broadcaster provides additional services such as copy writing, talent, production, and tape reproduction, some type of record or notation evidencing the additional service.
- g. For billboard or sign companies: Number and location of signs, design, printing and artwork, erection/removal costs.
- h. For specialty or novelty commercial advertisers: Quantity of items provided, silk screening, design, printing, and artwork.
- i. For newspapers and other print media: Amount of advertising space and dates of publication. If the advertiser provides additional services such as design or layout, some type of record evidencing such additional services must be available.
- j. For Internet advertising: The audience targeted for the advertisement, and the audience reached by the advertisement.

### **Rule 10 Prohibition Against Use of Public Office Facilities in Campaigns**

**A. Permissible Activities.** SMC 2.04.300 does not prohibit a City officer or employee from expressing his or her own personal views, as long as such expression does not involve the use of public facilities or publicly paid time (except vacation time); nor does it prevent a public office or agency from making facilities available on a non-discriminatory basis; nor does it prevent a public office or agency from making an objective and fair presentation of facts if that is part of its normal and regular conduct.

### **Rule 11 Winding Up a Campaign**

**A. Disposition of Surplus Funds and Assets.** The final C-4 must show the disposition of any surplus funds, or debt, and any capital asset (excluding funds) for which the campaign paid \$200 or more, or an in-kind contribution valued at \$200 or more, on a Schedule A, Schedule L or C-3, as appropriate. If the campaign disposes of such capital assets, it shall attach to the C-4 for the period a note describing the capital asset, date of purchase and name and address of the person or new political committee to which the committee transfers the capital asset. The final report must show a zero balance.

### **B. Transferring Surplus Funds or Capital Assets.**

1. The Executive Director will prepare a list of contributors whose contributions make up the surplus funds and capital assets available for transfer to another committee. The Executive

## Seattle Ethics and Elections Commission Elections Code Rules

Director shall begin with the most recent contributions to the candidate's committee and work backwards chronologically until the aggregate of those contributors' contributions equals the amount of funds and capital assets on hand. Capital assets will be valued at their fair market value.

2. Before transferring funds or capital assets to a committee for a different office, a committee must secure written permission to do so from the contributors identified in the list prepared by the Executive Director. If a contributor does not grant permission to have his or her contribution transferred, the committee may not solicit a different contributor for permission unless that contributor is already on the list provided by the Executive Director and contributed funds that remain available to be transferred. A transferred capital asset does not count against any individual contributor's contribution limit; it is attributed to the transferring committee.

3. Whether transferred to a subsequent committee for the same office or a committee for a different office, transferred funds are considered contributions by the original contributor to the committee receiving the transfer, and count against the contributor's contribution limit. Surplus funds that are first deposited in a surplus funds account, and subsequently are transferred to a political committee, also count against the original contributor's contribution limit.

**C. Disposing of Campaign Debt.** A candidate committee with a debt may dispose of the debt, and then file a final report, in the following ways: (a) by receiving sufficient contributions to pay the debt; (b) by transferring the debt to a new campaign for the same office; (c) by obtaining agreement from the creditors to forgive the debt (such forgiveness is considered a contribution and contribution limits apply); or (d) by the candidate personally assuming any campaign debt and reporting such assumption as a contribution to his or her campaign.

**D. Transferring Debt.** Candidate, ballot issue, and independent expenditure committees may transfer loans, debts, and other obligations to a new campaign for the same office or the same issue and the new campaign may assume such loans, debts, or obligations. The following reporting rules shall apply to such a transfer and assumption:

1. **Transferring Loans.** The transferring committee shall report the transfer of a loan by filing a Schedule L with its final report that reports the loan as forgiven on Line 3 of Schedule L. The transferring committee shall also file an amendment to the original C-3 reporting receipt of the loan. This amendment shall change the name of the lender from the name of the original lender, to the name of the new committee to which the loan is being transferred. In addition to the name of the new committee, this report shall include the new committee's address. Where the new committee is a candidate committee, the amendment shall also include the year in which the new committee's candidate will appear on the ballot. Where the new committee is a ballot issue committee, the amendment shall also include the word "new" after the committee name. Where the new committee is a continuing political committee, the amendment shall also include the word "continuing" after the committee name. The new committee shall report assumption of the loan by including a Schedule B with its initial C-4. It shall report the loan on Line 3. Under "Vendor's/Recipient's Name and Address," the new committee shall report the name of the person who originally made the loan to the transferring committee.

## **Seattle Ethics and Elections Commission Elections Code Rules**

**2. Transferring Other Debts or Obligations.** The transferring committee shall include a note with its final report reporting that the debt or obligation has been transferred to the new committee, including the name and address of the new committee, the year in which the new committee's candidate or ballot issue will appear on the ballot, the name and address of the vendor, a description of the obligation, and the amount owed. The new committee shall report assumption of the debt or obligation by filing a Schedule B with its initial C-4 and reporting the debt or obligation on Line 3.

### **Rule 12 Maintenance and Inspection of Campaign Records**

**A. Records to be Maintained.** The following records must be maintained in the campaign files: copies of checks deposited into the campaign account; photocopies, or the hard copy equivalent, of checks withdrawing funds from the campaign account; paper copies of credit/debit card contribution receipts, attached to paper copies of the deposits of the credit/debit card contributions; invoices, receipts and other records of expenditures; records of reimbursements; contracts; bank records; communications with vendors and potential vendors; names and addresses of contributors; copies of disclosure reports; regulatory and licensing filings; accounting records; proof of compliance with Rule 6.A through 6.C; and any other written or electronic records of campaign activity.

#### **B. Availability of Records**

**1.** The following campaign records shall be available for public inspection during the eight days before the election: bank account statements, check registers, copies of or the hard copy equivalent of checks deposited into the account and copies of checks withdrawing funds from the account, copies of all deposit slips and invoices, paper copies of a spreadsheet or a ledger, or a method of viewing the copies if stored electronically. Committees must also provide one of the following, at the committee's discretion: (1) paper copies of electronic reports; (2) appropriate electronic viewing access to the reports; or (3) if the requestor provides a disk that is appropriately formatted to the committee's computer, a copy of the reports on the disk. To protect the confidentiality of contributors' financial information, the treasurer or deputy treasurer may remove checking account numbers and credit/debit card numbers from copies of documents placed on public display, so long as copies containing checking account numbers and credit/debit card numbers are retained.

**2.** On every day from the seventh day before an election through the day immediately before an election, other than Saturday, Sunday, or a legal holiday, campaign records must be available at the designated place for inspections (1) by appointment, and (2) for two hours, between 8:00 a.m. and 8:00 p.m. The appointment must be allowed at an authorized time and day for such inspections that is within 24 hours of the time and day that is requested for the inspection.

**C. Location of Records.** The location designated on the C-1 where the campaign records shall be open for public inspection shall not be changed within four weeks of the date of the election in which the candidate or issue shall appear on the ballot, except with written approval of the Executive Director. Every odd-numbered year, the Executive Director shall identify public facilities and their available hours in which the campaigns may display the campaign records during the eight days before the election.

### **Rule 13 Miscellaneous**



## Seattle Ethics and Elections Commission Elections Code Rules

**A. Designate Office and Date of Election.** All candidates shall designate a specific office and date of election on their C-1. Once designated, the office and date of election may not be amended. If the designation changes, the campaign account must be closed, any funds must be disposed of in accordance with the Code provisions addressing disposition of surplus funds, a final report must be filed, and a new account established with a new C-1 report filed bearing the new designation.

**B. Primary Election Results Uncertain.** Candidates whose results in the primary election are uncertain must continue filing all reports as though their names will appear on the General Election ballot, until the Primary Election results have been certified. Ballot issue committees with a chance of having the ballot issue appear on a special election, primary, or general election ballot must file all reports as though the ballot issue will appear on the next legally possible election ballot, until either:

1. the time for filing voter signatures to qualify the ballot issue for that ballot has passed and either (i) the number of signatures submitted cannot mathematically qualify the ballot issue for that ballot, or (ii) the City Clerk reports that there are not a sufficient number of valid signatures to place the ballot issue on that ballot; or
2. the deadline for the City Council to place the ballot issue on that ballot has passed without the Council acting to place the ballot issue on that ballot.

When either (1) or (2) has occurred, the ballot issue committee shall file all reports as though the ballot issue will appear on the next legally possible election ballot, and so forth, until there are no legally possible elections for that ballot issue.

*EXAMPLE 1: A candidate appeared on the primary election ballot, but the vote was close, and a recount has been ordered. The candidate must continue to file reports of all deposits on Mondays for the previous seven days, per SMC 2.04.250(C), until the results are certified and indicate that the candidate did not receive a sufficient number of votes to be placed on the general election ballot.*

*EXAMPLE 2: A ballot issue committee submitted a facially sufficient number of signatures to the City. The signatures have not been certified but could be certified in time for the ballot issue to be placed on the general election ballot. The ballot issue committee must file all reports of deposits on Mondays for the previous seven days, per SMC 2.04.250(C), from the time that there is a chance that the ballot issue could go on the general election ballot until either:*

- (a) the time for filing voter signatures to qualify the ballot issue for that ballot has passed and either (i) the number of signatures submitted cannot mathematically qualify the ballot issue for that ballot, or (ii) the City Clerk reports that there are not a sufficient number of valid signatures to place the ballot issue on that ballot; or*
- (b) the deadline for the City Council to place the ballot issue on that ballot has passed without the Council acting to place the ballot issue on that ballot.*

### Rule 14 Public Office Funds

**A. Prohibited Contributions.** The following persons shall not contribute to, and no elected official shall accept contributions for a Public Office Fund from, the following:

## Seattle Ethics and Elections Commission Elections Code Rules

1. Persons who are parties to a current contract or other transaction with the City of Seattle, or who have taken affirmative action to be considered for a contract or transaction with the City.

a. A person who is paid by a client to represent the client to the City, such as an attorney or an accountant representing a City vendor, does not thereby become a “party” to a transaction with the City.

b. Transaction, as used in this section, does not include those transactions that do not involve the exercise of discretion by any elected official, such as application for a business license, and does not include the City's provision of water, electricity, waste disposal or other utility services.

c. Affirmative action, as used in this section, includes, but is not limited to, making application, quoting a price, submitting a proposal, and responding to a bid request.

2. Political Committees organized in support of any candidate.

**B. Confirming Compliance with Rule 14.A.** Contributors to Public Office Funds shall disclose whether they have current or pending transactions with the City, as prohibited by this rule. When soliciting contributions to Public Office Funds, or accepting non-solicited contributions to Public Office Funds, elected officials shall inform the potential or actual contributors of the provisions of this rule and obtain from the potential or actual contributor a signed confirmation that such contributor is not a current or pending contractor as described in this rule. The elected official shall maintain signed copies of the confirmations with the Public Office Fund account records.

**C. Permissible Office Fund Expenditures.** Public Office Funds may be used by the elected official only for non-reimbursed public office expenditures made for the following:

1. Gifts for foreign dignitaries or visiting governmental officials.

2. Out-of-town travel, lodging, and meal expenses incurred in the performance of official duties by the official, a member of the official's staff, or a member of the official's household accompanying him or her on such travel. The dollar value of such expenses may not exceed those permitted under the City's travel policies and procedures. Office funds may not be used for expenses when an office holder is also collecting a per diem from the City or is otherwise reimbursed for those same expenses.

3. Attendance at conferences, educational courses or seminars by officials or staff, if such attendance serves a City purpose.

4. Membership in civic, service, or professional organizations if such membership serves a City purpose.

5. Tickets to events sponsored by or in conjunction with a civic, charitable, governmental, or community organization, or tickets to post-season sporting events held in Seattle or in which a regional team is competing.

6. Non-cash expressions of congratulations, appreciation or condolences for constituents, public employees, governmental officials, or other persons with whom the official communicates in his or her official capacity. This category includes the cost of an official hosting a meal purchased at an auction conducted by a non-profit organization. The value of

## Seattle Ethics and Elections Commission Elections Code Rules

such non-cash expressions may not exceed \$50 for any individual in a calendar year. The cost of a single event expressing congratulations, appreciation or condolences may not exceed \$150.

7. Advertisements, so long as they are not published in a year in which the official's name will appear on the ballot and do not otherwise promote or oppose a candidate or ballot measure.

8. Mailings to Seattle households providing information related to City business, so long as such mailings do not promote or oppose a candidate or ballot measure.

9. The purchase, lease or rental of office equipment, office furnishings and office supplies.

10. Payment of tax liabilities incurred as a result of authorized official expense fund transactions.

11. Accounting, professional, and administrative services provided to the Public Office Fund.

**D. Separate Written Instruments.** Separate written instruments are required for a campaign contribution, an office fund contribution, or a contribution to a political action committee.

**E. Separate Mailing Address.** The mailing address of all Public Office Funds shall be a different address from any address used by a candidate political committee. Any solicitation of funds for a Public Office Fund must contain this unique address and inform the person being solicited that the solicitation is for a Public Office Fund, not a political committee.

**F. When Officeholder is Reelected or Leaves Office.** An elected official who wins reelection to the same office may not organize a new Public Office Fund, if one already exists. When an elected official leaves the office for which the Public Office Fund was established, he or she shall dispose of the surplus office funds as provided in SMC 2.04.480.G.

**G. Office Funds Subject to Campaign Disclosure Regulations.** All rules relating to the reporting of campaign financing contained in SMC 2.04 shall apply to Public Office Funds as if they were campaign funds, except as provided in this Rule 12.

### Rule 15 Monetary Thresholds

#### A. Executive Director Duties and Mini-Reporting of Campaign Finances

The monetary threshold in SMC 2.04.060.A by which the Executive Director is authorized to relieve candidates or political committees of obligations to comply with some of the reporting provisions of Chapter 2.04 SMC relating to disclosure of campaign finances in some circumstances ("if they have not received contributions nor made expenditures of more than \$5,000 ...") shall be increased to \$7,000.

#### B. Electronic Filing for Candidates and Political Committees

The monetary thresholds in SMC 2.04.155.A relating to contributions and expected expenditures by candidates or political committees ("Each candidate or political committee that expects to receive or receives \$5,000 or more ...") ("and (2) expect to make contributions or

## **Seattle Ethics and Elections Commission Elections Code Rules**

expect to make expenditures, including independent expenditures of \$5,000 or more ...) shall be increased to \$7,000.

### **C. Reports of Personal Financial Affairs**

The following reporting thresholds in SMC 2.04.165 are as follows:

## Seattle Ethics and Elections Commission Elections Code Rules

Section	Subject Matter	Monetary Threshold or Code Value (As Set Forth in SMC 2.04.165)
.165.B.1.b	Bank accounts, savings account, or Insurance policy	\$24,000
.165.B.1.b	Other intangibles personal property	\$2,400
.165.B.1.c	Creditors	\$2,400
.165.B.1.f	Compensation	\$2,400
.165.B.1.g.2)	Compensation to business entity	\$12,000
.165.B.1.g.2)	Interest paid	\$2,900
.165.B.1.h	Real property acquired	\$12,000
.165.B.1.i	Real property divested	\$12,000
.165.B.1.j	Real property held	\$12,000
.165.B.1.k	Real property held by business	\$24,000
.165.B.2	Reporting Codes	Less than \$1,000
.165.B.2	Reporting Codes	\$1,000 to \$4,999
.165.B.2	Reporting Codes	\$5,000 to \$9,999
.165.B.2	Reporting Codes	\$10,000 to \$24,999
.165.B.2	Reporting Codes	\$25,000 to \$99,999
.165.B.2	Reporting Codes	\$100,000 to \$199,999
.165.B.2	Reporting Codes	\$200,000 to \$999,999
.165.B.2	Reporting Codes	\$1,000,000 to \$4,999,999
.165.B.2	Reporting Codes	\$5,000,000 or more

### **D. Treasurer's Reports and Reporting Related to SMC 2.04.250.D.**

The \$25 thresholds in SMC 2.04.250.D(1) ("the name and address of each person making a contribution of more than \$25 or an aggregate of contributions totaling more than \$25 during the applicable period"), as well as the "\$25 or less" threshold related to reporting by a political committee as a lump sum ("Contributions from any person that total \$25 or less in the applicable period may be reported by a political committee as a lump sum without identifying the contributor(s) by name"), shall be increased to \$100. The \$100 threshold in SMC 2.04.250.D(4) ("the occupation and the employer's name, city and state of each individual whose aggregate contributions during the applicable period equal more than \$100"), shall be increased to \$250.

### **E. Employer and Occupation Reporting Threshold**

The reporting threshold for a contributor's occupation and employer information in SMC 2.04.260.A.2.c (applicable to "each individual whose contributions in the aggregate during the applicable period exceed[s] \$100") shall be increased to \$250.

### **F. Aggregate Lump Sum Contribution Reporting Threshold**

The threshold for reporting contributions in the aggregate as a lump sum in SMC 2.04.260.A.2.c (applicable to "Contributions of \$25 or less in the aggregate from any one person during the applicable period may be reported as one lump sum ...") shall be increased to \$100.

### **G. Special Reports of Late Contributions**

## Seattle Ethics and Elections Commission Elections Code Rules

The \$1,000 reporting threshold in SMC 2.04.265 (applicable to each contribution that “equals or exceeds \$1,000” or “equal or exceed \$1,000”) is increased to \$1,500.

### Rule 16 Democracy Voucher Program

#### A. Candidate’s Representative – SMC 2.04.624.A

A candidate or an officer of the candidate’s political committee must register a candidate’s representative with the Commission in writing.

#### B. Debates – SMC 2.04.630.B.1

A debate is a live event, open to the general public, at which all candidates who show minimal public support have an opportunity to respond to questions. Each candidate must be given an equal opportunity to participate.

To show minimal public support, a candidate's campaign reports filed with the Commission must show no fewer than the following number of contributors 72 hours prior to the debate:

Candidate	Minimum No. of contributors
Mayor	100
At-large City Councilmember	50
District City Councilmember	25
City Attorney	50

Nothing in this rule relieves public agencies that sponsor debates from responsibility for ensuring that all candidates for particular races are invited to participate.

#### C. Qualifying Contributions – SMC 2.04.630.C

A qualifying contribution must be a monetary contribution. Loans, pledges, or in-kind contributions are not counted toward the minimum number of contributions a candidate needs to qualify for the Program.

#### D. Use of Democracy Voucher Proceeds – SMC 2.04.634.C and E.

1. Payments in cash are prohibited. SMC 2.04.634.C.1. Cash includes but is not limited to currency and cash equivalents such as gift cards and gift certificates.
2. A participating candidate has 45 days from withdrawing, becoming ineligible, losing qualification, losing an election, or winning the general election, to pay all campaign debts and obligations. If a participating candidate dies, the campaign has 90 days to pay all campaign debts and obligations.
3. After paying all campaign debts and obligations, any remaining funds, up to the amount of Democracy Vouchers redeemed by the candidate, will be considered Unspent Democracy Voucher Proceeds. Such funds must be refunded to the Democracy

## **Seattle Ethics and Elections Commission Elections Code Rules**

Voucher Program within those 45 days (or 90 days upon the death of a participating candidate).

4. A participating candidate or their treasurer can request an extension, which the Director shall grant upon a showing that complying with these deadlines would constitute an unreasonable hardship.

### **E. Duplicate Vouchers – SMC 2.04.658.D**

If the SEEC receives more than two vouchers with the same voucher identification number, or five or more vouchers from the same assignor, the Executive Director will within five business days determine the circumstances and take action, where appropriate. If the Executive Director has reason to believe that the assignor or some other person knowingly submitted a voucher that has been purchased, stolen, or forged, the Executive Director will initiate an investigation. If, after an investigation, the Executive Director finds reason to believe that a Democracy Voucher has been purchased, stolen, or forged, in addition to pursuing remedies available under the Elections Code, the Executive Director shall refer the matter to the City Attorney for the City Attorney's consideration of whether to file criminal charges. The purchase, sale, theft, or forgery of a Democracy Voucher is a gross misdemeanor, punishable by a fine of up to \$5,000 and/or imprisonment for a term of up to 364 days.

### **F. Returning All Democracy Voucher Proceeds – SMC 2.04.658.E**

A participating candidate who accepts and retains monetary contributions in excess of the contribution limit for that office under SMC 2.04.630.B.3, or exceeds the Maximum Campaign Valuation without the Commission's authorization, does not participate in three debates without receiving a waiver from the Commission, or obtains Democracy Vouchers through intentional acts of forgery, threats, duress, or coercion, shall refund within 10 days of being ordered to by the Commission the sum of all Democracy Voucher proceeds that candidate has redeemed.

### **G. Primary Elections**

This rule only applies if a candidate is in an election race that will have a primary election.

#### **1. Campaign Spending and Contribution Limits**

- a. Pursuant to SMC 2.04.634.B, the Commission may release a candidate from the maximum campaign valuation identified in Table A for SMC 2.04.634 or from the contribution limits imposed by SMC 2.04.630.B.
- b. If the Commission releases a candidate from the maximum campaign valuation limits or contribution limits described in Rule 16.G.1.a above, the limits are reinstated the day the candidate again becomes eligible to redeem democracy vouchers.
- c. If the Commission released a candidate from maximum campaign valuation limits or contribution limits as described in Rule 16.G.1.a above, and limits are reinstated as described in Rule 16.G.1.b above, then the money raised and spent in excess of the Primary maximum campaign valuation during the period commencing with the Commission's release decision date and ending with the Rule 16.G.1.b reinstatement date shall not count toward the total campaign valuation limit in Table A for SMC 2.04.634.

## Seattle Ethics and Elections Commission Elections Code Rules

**2. Democracy Voucher Redemption.** No democracy vouchers may be redeemed toward the general election for any candidate after a primary election until either:

- a. the primary election is certified, or
- b. the Executive Director determines that the two candidates moving forward to the general election are evident beyond a reasonable doubt.

### H. Maximum Campaign Valuations

#### Relevant Authority

SMC 2.04.690.D provides that "[p]rior to each election cycle, the Commission may reasonably adjust the maximum campaign valuations, the dollar amounts for and numbers of qualifying contributions, the contribution limits per contributor provided in subsection 2.04.630.B (but the Commission shall not set a contribution limit for qualifying candidates that exceeds the contribution limit specified for candidates in Section 2.04.370), or the number or value of democracy vouchers provided to each eligible person, to account for inflation or deflation, and ensure the goals and purposes of the Program including democracy and accountability, high rates of candidate participation, heavy utilization of vouchers by those who have not previously donated to Seattle political campaigns, and high public satisfaction with the Program." Following its analyses of election cycles, including analyses of the cost of running a competitive campaign, in order to preserve high rates of candidate participation, the Commission hereby establishes the following campaign valuations for the 2025 election.

Position	Primary Election (\$)	Total for Primary and General Elections (\$)
District City Councilmember	112,500	225,000
At-large City Councilmember	225,000	450,000
City Attorney	225,000	450,000
Mayor	450,000	900,000

These changes are effective February 7, 2024.

**Reviser's note: Rule 18.A.** The MCV limits for the 2024 At-large City Councilmember election are \$225,000 Primary Election and \$450,000 Total for Primary and General Elections.

### I. Authorizing Candidates' Official Campaign Websites to Host Democracy Voucher Replacement Forms

**1.** The Seattle Ethics and Elections Commission authorizes candidates' official campaign websites to host Democracy Voucher Campaign Replacement Forms if the following conditions are met:

- a. The Replacement Form may only be posted on the campaign's official website. The Replacement form shall not be posted on a third-party's or contractor's website.
- b. Only the first signature line can be set as a required field. The remaining signature lines must be set as optional fields.



## **Seattle Ethics and Elections Commission Elections Code Rules**

c. The website shall not provide the option to print the Replacement Form.

**2.** For Replacement Forms submitted to the Commission (whether electronically or on paper), the Commission will accept Replacement Forms for processing only if:

a. Submissions contain current and complete information; and

b. The campaign has submitted to the Commission the name of the representative who processed the individual Replacement Form.

### **J. Regulating the Collection of Democracy Voucher Replacement Forms**

**1.** Collection of Campaign Replacement Forms are subject to the following regulations:

a. Definitions

For purposes of this Rule, a “Democracy Voucher Campaign Replacement Form Collector” (“Collector”) is an individual who engages with members of the public, in person, for the purpose of collecting Campaign Replacement Forms (“Replacement Forms”). Collectors include campaign staff and campaign volunteers.

For purposes of this Rule, Collectors are “candidate’s representatives” subject to the registration requirements provided in SMC 2.04.624 and Rule 16.

For purposes of this Rule, “Paid Collector” means any individual who receives compensation directly or indirectly from a campaign for the purpose of collecting Replacement Forms.

b. Prior to collecting Campaign Replacement Forms, each Collector must first be registered by a candidate or an officer of the candidate’s political committee as a candidate’s representative.

c. Campaigns shall have no more than two Paid Collectors for district elections and five Paid Collectors for citywide elections at any point in time who are paid to solicit Democracy Voucher Replacement Forms as part of their other duties.

d. Paid Collectors shall not be engaged by the campaign or designee solely for the purpose of soliciting Democracy Voucher Replacement Forms.

e. Paid Collectors shall not be compensated, bonused, or otherwise incentivized based on the number of Democracy Voucher Replacement Forms collected, the number of signatures collected, by the dollar amount of vouchers redeemed, or by compensation based on any other success measure related to such collection.

f. Paid Collectors shall be compensated on an hourly, stipend, or salary basis.

g. Before Paid Collectors solicit Democracy Voucher Replacement Forms, they shall first attend a brief training provided by the SEEC.

## Seattle Ethics and Elections Commission Elections Code Rules

h. Before Paid Collectors solicit Democracy Voucher Replacement Forms, the campaign shall submit the following attestation to the SEEC:

"The Paid Collector named here, \_\_\_\_\_, was not hired solely to solicit Campaign Replacement Forms and is not paid on an incentive basis. Their other duties include the following:

\_\_\_\_\_.

Signed by Candidate: \_\_\_\_\_

Signed by Paid Collector: \_\_\_\_\_

Paid Collector attended training on: \_\_\_\_/\_\_\_\_/\_\_\_\_

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_."

Collectors who are otherwise employed by a campaign and who cannot separate paid from unpaid time during their workday are considered Paid Collectors subject to the limitations of this Rule. Unpaid Collectors who only collect Replacement Forms during non-work times such as evening, weekends, or other personal time are not subject to the limitations of this Rule.

i. While collecting Replacement Forms, Collectors and Paid Collectors:

"Shall disclose their role in writing via a conspicuous and legible sign, placard, or badge stating, "DEMOCRACY VOUCHER CAMPAIGN REPLACEMENT FORM COLLECTOR for [Candidate]."

### Rule 17 Revised Contribution Limits

#### A. New Contribution Limit under SMC 2.04.370

Original Contribution Limit	\$500.00
CPI-W index: October 31, 2015 to September 30, 2023	30.07% growth
Contribution Limit including CPI-W Adjustment	\$650.35

Based on the authority provided by SMC 2.04.370.H, the Commission establishes an updated campaign contribution limit of \$650.00 effective as of January 1, 2024.

#### B. Contribution Limits Applicable to Democracy Voucher Participants

The original Democracy Voucher Program limited participating candidates to contributions from any individual or entity at \$500 for Mayoral candidates or \$250 for City Attorney or City Council candidates during one election cycle, including any contribution used to qualify for democracy vouchers, but excluding the value of democracy vouchers assigned to such candidate (subject to exceptions provided in Subchapter VIII of SMC Chapter 2.04). SMC 2.04.630.B.3. The inflation rate since the enactment of the Democracy Voucher Program is 30.07 percent.

## Seattle Ethics and Elections Commission Elections Code Rules

Based on the authority provided by SMC 2.04.690.D, and to ensure consistency with campaign contribution limits established in 2.04.370.B, and to meet the goals and purposes of the Program, the Commission establishes updated Democracy Voucher program limits on campaign contributions at \$650 for Mayoral candidates and \$350 for City Attorney or City Council candidates during the 2025 election cycle, as calculated by SMC 2.04.630.B.3, effective as of February 7, 2024.

**Reviser's note: Rule 18.B.** The Program participant limit on campaign contributions from any individual or entity shall be \$350 for City Council candidates during the 2024 special election.

### Rule 18 Special Elections

#### A. Maximum Campaign Valuations Related to the Democracy Voucher Program

Position	Primary Election (\$)	Total for primary and general elections (\$)
At-large City Councilmember	\$225,000	\$450,000
District City Councilmember	\$112,500	\$225,000

Maximum Campaign Valuations under Subchapter VIII are otherwise addressed in Rule 16.H.

#### B. Contribution Limits Applicable to Democracy Voucher Participants

The Democracy Voucher Program participant limit on campaign contributions from any individual or entity shall be \$350 for City Council candidates during one special election cycle, including any contribution used to qualify for democracy vouchers, but excluding the value of democracy vouchers assigned to such candidates (subject to exceptions provided in Subchapter VIII of SMC Chapter 2.04). SMC 2.04.630.B.3.

This modification supplements what is described in Rule 17.B. related to contribution limits applicable to Democracy Voucher Program participants regarding other election cycles.

#### C. Number of Democracy Vouchers Provided to Eligible Individuals

For each City Council position for which a special election is held in 2024, two (2) democracy vouchers valued at \$25 shall be mailed to eligible individuals beginning March 12, 2024.

More generally, democracy voucher issuance is otherwise addressed in SMC 2.04.620.

#### D. Candidate Qualification for Democracy Voucher Program – Timing

If a special election is called, the reference in SMC 2.04.630.B. to “on or after July 1, the year before a municipal election year” is inapplicable. For a special election, SMC 2.04.630.B., in relevant part, shall be interpreted to apply as follows:

To seek qualification for the Democracy Voucher Program, the candidate shall file with the Commission, within two weeks after filing a declaration of candidacy, a pledge attesting to the candidate's intent to participate, asserting that the candidate shall

## **Seattle Ethics and Elections Commission Elections Code Rules**

timely file or has filed a declaration of candidacy for the office indicated, and that the candidate shall comply with applicable campaign laws and the following: ...

§

## **Seattle Ethics and Elections Commission Elections Code Rules**

### **Elections Code Rules Adoption and Amendments**

“City of Seattle Ethics and Elections Commission Rule Regarding Inflation Adjustment to the Campaign Contribution Limit and Currency Contribution Limit” was adopted by the Seattle Ethics and Elections Commission at its March 1, 2006 meeting. The Commission members voting to take this action were:

Bruce Heller, Chair  
Mel Kang, Vice Chair  
Paul Dayton

Bob Mahon  
Nancy Miller  
Michele Radosevich

§

Election Code Rules 1-14 were adopted by the Seattle Ethics and Elections Commission at its November 7, 2007 meeting. The Commission members voting to take this action were:

Michele Radosevich, Chair  
Mel Kang, Vice Chair  
Tarik Burney

Lynne Iglitzin  
Robert Mahon (dissenting)  
Nancy Miller

§

Amended Rule 4.D (Filing Reports/C-3 Reports) and amended Rule 11.A and 11.B (Winding Up a Campaign/Disposition of Surplus Funds and Transferring Surplus Funds or Capital Assets) were adopted by the Seattle Ethics and Elections Commission at its June 6, 2012 meeting. The Commission members voting to take this action were:

Bill Sherman, Chair  
Tarik Burney, Vice Chair  
Bruce Carter

Rich Cohan  
Lynne Iglitzen  
David Mendoza

§

Rule 15 (Monetary Thresholds) was adopted by the Seattle Ethics and Elections Commission at its July 6, 2016 meeting. The Commission members voting to take this action were:

Eileen Norton, Chair  
Brendon Donckers, Vice Chair  
Bruce Carter

Alexandra McKay  
Vickie Rawlins  
Hardeep Singh Rekhi

§

Amended Rule 14 (Public Office Funds) was adopted by the Seattle Ethics and Elections Commission at its August 3, 2016 meeting. The Commission members voting to take this action were:

Brendan Donckers, Vice Chair  
Charlene Angeles  
Alexandra McKay

Vickie Rawlins  
Hardeep Singh Rekhi

## Seattle Ethics and Elections Commission Elections Code Rules

§

Rule 16.A-G (Implementing I-122) was adopted by the Seattle Ethics and Elections Commission at its December 7, 2016 meeting. The Commission members voting to take this action were:

Brendan Donckers, Vice Chair  
Charlene Angeles  
Bruce Carter

Alexandra McKay  
Vickie Rawlins  
Hardeep Singh Rekhi

§

Rule 16.H.2 (Implementing I-122/Democracy Voucher Redemption) was adopted by the Seattle Ethics and Elections Commission at its July 12, 2017 meeting. The Commission members voting to take this action were:

Eileen Norton, Chair  
Brendan Donckers, Vice Chair  
Charlene Angeles

Bruce Carter  
Vickie Rawlins  
Hardeep Singh Rekhi

§

Rule 16.H.1 (Implementing I-122/Campaign Spending and Contribution Limits) was adopted by the Seattle Ethics and Elections Commission at its September 14, 2017 meeting. The Commission members voting to take this action were:

Eileen Norton, Chair  
Charlene Angeles  
Bruce Carter

Vickie Rawlins  
Hardeep Singh Rekhi

§

Amended Rule 16.B (Implementing I-122/Debates) was adopted by the Seattle Ethics and Elections Commission at its March 6, 2019 meeting. The Commission members voting to take this action were:

Brendan Donckers, Chair  
Hardeep Singh Rekhi, Vice Chair  
Charlene Angeles

Nicholas Brown  
Bruce Carter  
Susan Taylor

§

“Seattle Ethics and Elections Commission Mandatory Limits on Campaign Contributions” [Rule 17.A (Revised Contribution Limits/Mandatory Limits on Campaign Contributions)] and “Seattle Ethics and Elections Commission Democracy Voucher Program Limits on Campaign Contributions” [Rule 17.B (Revised Contribution Limits/Democracy Voucher Program Limits on Campaign Contributions)] were adopted by the Seattle Ethics and Elections Commission at its February 5, 2020 meeting. The Commission members voting to take this action were:

## Seattle Ethics and Elections Commission Elections Code Rules

Nicholas Brown, Chair  
Hardeep Singh Rekhi, Vice Chair  
Brendan Donckers

Eileen Norton  
Richard Shordt  
Susan Taylor

§

Amended Rule 16.A-G (Democracy Voucher Program) was adopted at its October 7, 2020 meeting. The Commission members voting to take this action were:

Nicholas Brown, Chair  
Richard Shordt, Vice Chair  
Bruce Carter

Susan Taylor  
Judy Tobin

§

Rule 16.H.1 was amended as Rule 16.G.1 (Democracy Voucher Program/Primary Elections/Campaign Spending and Contribution Limits) at its October 7, 2020 meeting. The Commission members voting to take this action were:

Nicholas Brown, Chair  
Richard Shordt, Vice Chair  
Bruce Carter

Judy Tobin  
Susan Taylor

§

The “Seattle Ethics and Elections Commission Maximum Campaign Valuations” Rule was adopted by the Seattle Ethics and Elections Commission at its October 7, 2020 meeting. The Commission members voting to take this action were:

Nicholas Brown, Chair  
Richard Shordt, Vice Chair  
Bruce Carter

Susan Taylor  
Judy Tobin

§

The “SEEC Emergency Rule Regarding Replacement Democracy Vouchers” was adopted by the Seattle Ethics and Elections Commission at its April 7, 2021 meeting. The Commission members voting to take this action were:

Richard Shordt, Chair  
Hardeep Singh Rekhi, Vice Chair  
Bruce Carter

Brendan Donckers  
Susan Taylor  
Judy Tobin

§

The “SEEC Rule Regarding Replacement Democracy Vouchers” (Rule on Online Posting of Democracy Voucher Replacement Forms and the Rule on Replacement Democracy Voucher Collection) was adopted by the Seattle Ethics and Elections Commission at its June 2, 2021 meeting. The Commission members voting to take this action were:

## Seattle Ethics and Elections Commission Elections Code Rules

Richard Shordt, Chair  
Hardeep Singh Rekhi, Vice Chair  
Bruce Carter  
Kristin Hawes

Zachary Pekelis Jones  
Susan Taylor  
Judy Tobin

§

“Seattle Ethics and Elections Commission Mandatory Limits on Campaign Contributions” was adopted by the Seattle Ethics and Elections Commission at its April 6, 2022 meeting. The Commission members voting to take this action were:

Hardeep Singh Rekhi, Chair  
Zach Pekelis, Vice Chair  
Kristin Hawes  
Richard Shordt

Susan Taylor  
Judy Tobin  
Jeff Winmill

§

The “SEEC Emergency Rule Regarding Replacement Democracy Vouchers” and the “SEEC Rule Regarding Replacement Democracy Vouchers” (Rule on Online Posting of Democracy Voucher Replacement Forms) were amended and adopted as “Seattle Ethics and Elections Commission Rule Authorizing Candidates’ Official Campaign Websites to Host Democracy Voucher Replacement Forms” at its October 11, 2022 meeting. The Commission members voting to take this action were:

Hardeep Singh Rekhi, Chair  
Zach Pekelis, Vice Chair  
Kristin Hawes

Richard Shordt  
Susan Taylor

§

The “SEEC Rule Regarding Replacement Democracy Vouchers” (Rule on Replacement Democracy Voucher Collection) was amended and adopted as “Seattle Ethics and Elections Commission Rule Regulating the Collection of Democracy Voucher Replacement Forms” at its November 2, 2022 meeting. The Commission members voting to take this action were:

Hardeep Singh Rekhi, Chair  
Zach Pekelis, Vice Chair  
Kristin Hawes

Richard Shordt  
Chalia Stallings-Ala’ilima  
Susan Taylor

§

Rule 15 (Monetary Thresholds) was amended and adopted at its May 3, 2023, meeting. The Commission members voting to take this action were:

Zach Pekelis, Chair  
Kristin Hawes, Vice Chair  
Hardeep Singh Rekhi

Richard Shordt  
Chalia Stallings-Ala’ilima  
Susan Taylor



## Seattle Ethics and Elections Commission Elections Code Rules

§

Rule 17.A (Mandatory Limits on Campaign Contributions) was adopted by the Seattle Ethics and Elections Commission at its November 1, 2023 meeting. The Commission members voting to take this action were:

Zach Pekelis, Chair  
Kristin Hawes, Vice Chair  
David Perez

Hardeep Singh Rekhi  
Richard Shordt  
Chalia Stallings-Ala'ilima

§

Rule 18 (Special Elections) was adopted by the Seattle Ethics and Elections Commission at its December 6, 2023 meeting. The Commission members voting to take this action were:

Zach Pekelis, Chair  
David Perez  
Hardeep Singh Rekhi

Chalia Stallings-Ala'ilima  
Richard Shordt  
Susan Taylor

§

Rule 16.H (Maximum Campaign Valuations) was amended by the Seattle Ethics and Elections Commission at its February 7, 2024 meeting. The Commission members voting to take this action were:

Kristin Hawes, Chair  
Susan Taylor, Vice Chair  
Zach Pekelis

David Perez  
Richard Shordt

§

Rule 17.B (Democracy Voucher Program Limits on Campaign Contributions) was amended by the Seattle Ethics and Elections Commission at its February 7, 2024 meeting. The Commission members voting to take this action were:

Kristin Hawes, Chair  
Susan Taylor, Vice Chair  
Zach Pekelis

David Perez  
Richard Shordt

§

Rule 16.J (Regulating the Collection of Democracy Voucher Replacement Forms) was amended and adopted at its July 31, 2024, meeting. The Commission members voting to take this action were:

Kristin Hawes, Chair  
Susan Taylor, Vice Chair  
Bobby Forch

Jonathan Schirmer  
Richard Shordt  
Chalia Stallings-Ala'ilima

§

## **Seattle Ethics and Elections Commission Elections Code Rules**

Seattle Elections Code Rule 7.C (Payments; Sub Vendors and Subcontractors – Cash Equivalents) was amended and adopted by the Seattle Ethics and Elections Commission at its December 4, 2024, meeting. The Commission members voting to take this action were:

Kristin Hawes, Chair  
Susan Taylor, Vice-Chair  
Jonathan Schirmer

Richard Shordt  
Chalia Stallings-Ala'ilima

§

Seattle Elections Code Rule 9.B (Political Advertising; Exceptions to Sponsor ID Requirement) was amended and adopted by the Seattle Ethics and Elections Commission at its December 4, 2024, meeting. The Commission members voting to take this action were:

Kristin Hawes, Chair  
Susan Taylor, Vice-Chair  
Jonathan Schirmer

Richard Shordt  
Chalia Stallings-Ala'ilima

§

Seattle Elections Code Rule 16.D (Democracy Voucher Program; Use of Democracy Voucher Proceeds – SMC 2.04.634.C and E) was amended and adopted by the Seattle Ethics and Elections Commission at its December 4, 2024, meeting. The Commission members voting to take this action were:

Kristin Hawes, Chair  
Susan Taylor, Vice-Chair  
Jonathan Schirmer

Richard Shordt  
Chalia Stallings-Ala'ilima

§

### **Elections Code Rules Administrative Revisions**

The “City of Seattle Ethics and Elections Commission Rule Regarding Inflation Adjustment to the Campaign Contribution Limit and Currency Contribution Limit” Rule has been superseded by Rule 17 (Revised Contribution Limits) and SMC 2.04.180.A (Contributions by written instrument or credit card).

§

Rule 14 (Public Office Funds) subsection B title amended to read “Confirming Compliance with Rule 14.B” for the sake of coherency.

§

The “Seattle Ethics and Elections Commission Maximum Campaign Valuations” Rule has been added to Rule 16 as Rule 16.H (Maximum Campaign Valuations) for the sake of coherency and consistency.

§

## **Seattle Ethics and Elections Commission Elections Code Rules**

“Seattle Ethics and Elections Commission Rule Authorizing Candidates’ Official Campaign Websites to Host Democracy Voucher Replacement Forms” has been added to Rule 16 as Rule 16.I (Authorizing Candidates’ Official Campaign Websites to Host Democracy Voucher Replacement Forms) for the sake of coherency and consistency.

§

“Seattle Ethics and Elections Commission Rule Regulating the Collection of Democracy Voucher Replacement Forms” has been added to Rule 16 as Rule 16.J (Regulating the Collection of Democracy Voucher Replacement Forms) for the sake of coherency and consistency.

§

The Executive Director’s Rule 1 “Mini Campaign Reporting” was adopted by Executive Director Wayne Barnett on December 6, 2010. The Rule may be found on the [SEEC Commission webpage](#) under [Rules and Procedures](#).

§