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March 27, 1989
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Introduced by: Ron Sims
Cynthia Sullivan

Proposed No.: 88 - 531

ORDINANCE NO. 8970

AN ORDINANCE relating to establishing limits on campaign contributions and creating voluntary program for matching public funds and establishing civil penalties for violations.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings of fact. A. The county finds that, in the interest of the public health, safety and welfare, it is necessary to safeguard the integrity of the political process. Therefore, the county election process and county government should be protected from undue influence by individuals and groups making large contributions to the election campaigns of candidates for executive, county council, and assessor.

B. The county finds that, in the interest of the public health, safety and welfare, it is necessary to safeguard the confidence in the political process. Therefore, the county election process and county government should be protected from even the appearance of undue influence by individuals or groups contributing to candidates for executive, county council, and assessor. The confidence of the public in a fair and democratic election process is vital. In the high cost of election campaigning, there can be the problem of improper influence, real or perceived, exercised by campaign contributors over elected officials. It is the policy of this county to foster broad-base citizen involvement in financing election campaigns.

1 C. The county therefore finds that limitations on
2 contributions of money, services and materials by individuals or
3 groups to county election campaigns should be imposed by law to
4 protect the public health, safety, welfare and the integrity of
5 the process. These limitations, however, should be reasonable,
6 so as not to discourage personal expression.

7 D. The county, therefore, finds it is in the public interest
8 to encourage the widest participation of the public in the
9 electoral process, to reduce the dependence of candidates on
10 large contributions and to increase public knowledge of the
11 candidates and of election issues. The county finds that
12 campaign expenditure limitations are in the best interest of the
13 public. Recognizing that public matching funds for campaign
14 purposes are necessary for voluntary expenditure limitations to
15 be successful and voluntary programs are the only limitations
16 constitutionally permissible, the Council finds a program of
17 public matching funds should be established.

18 SECTION 2. Definitions. For purposes of this ordinance the
19 following definitions shall apply:

20 A. "Campaign Year". "Campaign Year" means January 1 to
21 December 31, of the year an election is held for a county
22 elective office.

23 B. "Candidate". "Candidate" means any individual who seeks
24 election to a public office set out in Section 3 whether or not
25 successfully. An individual shall be deemed to be seeking
26 election when he or she first: receives contributions or makes
27 expenditures or reserves space or facilities with intent to
28 promote his candidacy for office, announces publicly or files for
29 office, whichever occurs first.

30 C. "Contribution". "Contribution" means a loan, loan
31 guarantee, gift, deposit, subscription, forgiveness of
32 indebtedness, donation, advance, pledge, payment, transfer of
33 funds between political committees, or transfer of anything of

1 value, including personal and professional services, for less
2 than full consideration. "Contribution" does not include
3 interest on moneys deposited in a political committee's account,
4 ordinary home hospitality, volunteer in-kind labor or incidental
5 expenses not in excess of twenty-five dollars personally paid for
6 by a volunteer campaign worker. For the purposes of this
7 ordinance, contributions other than money or its equivalents
8 shall be deemed to have a money value equivalent to the fair
9 market value of the contribution. Sums paid for tickets to
10 fundraising events such as dinners and parties are contributions;
11 however, the amount of any such contribution may be reduced for
12 the purpose of complying with the reporting requirements of this
13 ordinance by the actual cost of consumables furnished in
14 connection with the purchase of such tickets, and only the excess
15 over actual cost of such consumables shall be deemed a
16 contribution.

17 D. "Expenditure". "Expenditure" means a payment,
18 contribution, subscription, distribution, loan advance, deposit,
19 or gift of money or anything of value, and includes a contract,
20 promise, or agreement, whether or not legally enforceable, to
21 make an expenditure. "Expenditure" also includes a promise to
22 pay; and a payment or transfer of anything of value in exchange
23 for goods, services, property, facilities, or anything of value
24 for the purpose of assisting, benefiting or honoring any public
25 official or candidate, or assisting in furthering or opposing any
26 election campaign. For purposes of this ordinance, expenditures
27 other than money or its equivalent shall be deemed to have a
28 monetary value equal to the fair market value of the
29 expenditure. "Expenditure" shall not include:

30 1. The partial or complete repayment by a candidate or
31 political committee of the principal of a loan, the receipt of
32 which loan has been properly reported; or
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1 2. The value of in-kind labor; or

2 3. Fines paid as a result of any penalties imposed on a
3 candidate for violating this ordinance.

4 E. "Fair advertising". "Fair advertising" means any
5 publication, literature or media advertising, which bears the
6 clear and conspicuous identification of the sponsoring
7 candidate's name.

8 F. "In-kind Labor". "In-kind labor" means services provided
9 by a person who volunteers all or a portion of his/her time to a
10 candidate's election campaign, and who is not paid by any person
11 for such services.

12 G. "Independent Expenditure". "Independent expenditure"
13 means expenditure on behalf of, or opposing the election of, any
14 candidate, when such expenditure is made independently of the
15 candidate, his/her political committee, or agent, and when such
16 expenditure is made without the prior consent, or the collusion,
17 or the cooperation, of the candidate or his/her agent or
18 political committee.

19 H. "Outside Political Committee". "Outside political
20 committee" means political committees other than those authorized
21 by a single specific candidate for his/her campaign.

22 I. "Non-campaign year". "Non-campaign year" means any one
23 of three-years during the period beginning January 1 of the year
24 after an election for a county elective office.

25 J. "Person". "Person" means any individual, association,
26 corporation, candidate, committee, political committee, political
27 party, partnership or other entity.

28 K. "Political Committee". "Political committee" means any
29 person (except a candidate or an individual dealing with his own
30 funds or property) having the expectation of receiving
31 contributions or making expenditures in support of, or opposition
32 to, any candidate and which has also filed as political committee
33 pursuant to RCW 42.17.

1 L. "Political Party". "Political Party" shall mean a major
2 political party or a new or minor party which is established
3 pursuant to RCW 29.42

4 SECTION 3. Application. These limits shall apply only to
5 candidates in any primary, general or special election for the
6 offices of King County executive, council, and assessor.

7 SECTION 4. Mandatory limitations on contributions.

8 A. No person shall make a contribution of more than three
9 hundred fifty dollars to any candidate for executive, county
10 council, or assessor, in any campaign year; provided, a political
11 committee may contribute up to one thousand dollars to any
12 candidate for executive, county council, or assessor in the name
13 of such group; provided further, that no person shall knowingly
14 contribute more than three hundred fifty dollars in aggregate to
15 any such candidate, in any campaign year, including contributions
16 to outside political committees except political parties, which
17 contribute to candidates for the above county offices.

18 B. No person shall contribute more than \$100 during any
19 non-campaign year to any candidate for executive, county council,
20 or assessor.

21 C. No candidate for executive, county council, or assessor
22 shall accept or receive a campaign contribution of more than
23 three hundred fifty dollars from any person or more than one
24 thousand dollars from any political committee in any campaign
25 year nor shall any such candidate accept or receive a campaign
26 contribution of more than \$100 from any person during a
27 non-campaign year;

28 D. The limitations imposed by this section shall not apply
29 to:

30 1. A candidate's contributions of his/her own resources to
31 his/her own campaign; the limitations imposed by this section
32 shall apply to the contributions of all others; and
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1 2. Independent expenditures as defined by this chapter; an

2 3. The value of in-kind labor.

3 SECTION 5. Charter Amendment. This ordinance shall be
4 effective upon the adoption, on or before January 1, 1990 by the
5 voters of King County, of an amendment to the King County Charter
6 authorizing and requiring the King County Council to establish by
7 ordinance a system of campaign contribution limitations and
8 voluntary limitations on campaign expenditures with public
9 matching funds.

10 SECTION 6. Campaign contract. A. Effectiveness with elections
11 for county officers in 1991, a candidate for executive, county
12 council, or assessor may sign a contract with the county agreeing
13 to abide by limitations on candidates' contributions, limitations
14 on campaign expenditures, and limitations on the use of all
15 contributions as specified in this chapter in exchange for public
16 matching funds.

17 B. The campaign contract must be signed by the individual
18 candidate either within thirty days after the individual becomes
19 a candidate as defined in RCW 42.17.020, or at the time of filing
20 for said office, whichever is earlier.

21 SECTION 7. Candidates' contribution limitations. A
22 candidate who signs a campaign contract shall make no
23 contribution to his/her own campaign or political committee which
24 in the aggregate exceeds ten percent of the applicable
25 expenditure limit in any campaign year.

26 SECTION 8. Expenditure limitations. A. A candidate for
27 county council who signs a campaign contract in accordance with
28 Section 6 shall not, during the campaign year, make expenditures
29 exceeding the aggregate amount of the annual salary of the office
30 which the candidate is seeking, calculated for the year of the
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1 election. A candidate for executive, or assessor who signs a
2 campaign contract in accordance with Section 6 shall not, during
3 the campaign year, make expenditures exceeding three times the
4 aggregate amount of the annual salary of the office for which the
5 candidate is seeking.

6 B. Independent expenditures, as defined by this chapter,
7 shall not be included in the computation of a candidate's
8 expenditures.

9 SECTION 9. Eligibility for public matching funds.

10 A. To be eligible to receive public matching funds, a
11 candidate for executive, county council, or assessor must meet
12 the legal requirements of the office as established by statute or
13 the county charter and,

14 1. For the office of executive:

15 a. Receive five hundred contributions of ten dollars or
16 more during the campaign year, and

17 b. Be opposed by a candidate who has qualified for
18 public matching funds or who has raised, spent or has cash on
19 hand of \$45,000 or more.

20 2. For the office of the assessor:

21 a. Receive five hundred contributions of ten dollars or
22 more during the campaign year; and

23 b. Be opposed by a candidate who has qualified for
24 public matching funds or who has raised, spent or has cash on
25 hand of \$30,000.

26 3. For the office of county council:

27 a. Receive two hundred contributions of ten dollars or
28 more during the campaign year, and

29 b. Be opposed by a candidate who has qualified for
30 public matching funds or who has raised, spent or has cash on
31 hand of \$10,000 or more.

1 B. For the purposes of establishing eligibility under this
2 section, only those contributions received from residents of the
3 county shall be counted toward the requirement.

4 C. Candidates must submit evidence of meeting the
5 eligibility requirements of this section to the director of the
6 department of executive administration or his or her designee for
7 verification. Upon verification of eligibility, a candidate who
8 has signed a campaign contract shall be eligible to receive
9 public matching funds; provided that any candidate who receives
10 public matching funds and later fails to file for public office
11 or withdraws his/her candidacy after filing, shall return to the
12 appropriate county account any of the unexpended campaign funds
13 up to the amount of the matching public funds disbursed to that
14 candidate.

15 SECTION 10. Public matching funds - specifications.

16 A. Effective with elections for county offices in 1991 a
17 candidate who has met the eligibility requirements for public
18 matching funds and who has signed a campaign contract shall be
19 entitled to receive one dollar in public matching funds for every
20 one dollar received from any resident of King County during the
21 campaign year to a maximum public match of fifty dollars per
22 individual contributor. Neither loans nor the transfers of
23 anything of value other than money to the candidate or his/her
24 political committee shall be matched with public funds.

25 B. A candidate who signs a campaign contract who otherwise
26 is eligible to receive public matching funds shall be eligible
27 until it is determined that such candidate has no opponent at the
28 close of the filing period or after the primary election as
29 provided by law. For purposes of this section, a write-in
30 candidate shall not be considered an opponent.
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1 C. If following the election wherein the candidate is
2 elected or defeated, the candidate has unexpended campaign funds,
3 one-half of such surplus but not to exceed the amount of public
4 matching funds received, shall be returned to the appropriate
5 county account within ten days of certification of the election.

6 D. A candidate who has signed a campaign contract may void
7 his/her contract within fifteen days after the close of filing;
8 provided, an opponent of that candidate does not enter into a
9 campaign contract pursuant to this chapter and provided further,
10 that the candidate returns all public funds received pursuant to
11 this chapter.

12 SECTION 11. Payment of matching funds.

13 A. There is hereby established in the county treasury a
14 campaign matching fund account into which shall be deposited
15 whatever sums the county may receive or allocate from time to
16 time or during the annual budget process for campaign matching
17 purposes.

18 B. Candidates entitled to public matching funds shall be
19 paid upon submission of vouchers which shall be approved by the
20 director of executive administration or his or her designee.

21 SECTION 12. Permitted uses of public matching funds. Public
22 matching funds may be expended only for the receiving candidate's
23 direct campaign purposes such as, but not limited to, purchasing
24 campaign literature or media space or time, mailings, renting
25 campaign headquarters, or paying for campaign headquarters'
26 telephones. All use of public matching funds for advertising
27 expenditures including the costs of production, distribution and
28 purchase of media space or air time, shall meet the requirements
29 of the fair advertising definition. A candidate who signs a
30 campaign contract may not use matching funds for indirect
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1 campaign purposes such as, but not limited to, providing a
2 candidate's personal support or for donation to another's
3 campaign. Permissibility of an expenditure of public matching
4 funds shall be determined by the director of the department of
5 executive administration or his or her designee.

6 SECTION 13. Penalties. The violation or failure to comply
7 with the provisions of this ordinance shall constitute a civil
8 violation for which a monetary fine of up to one thousand dollars
9 shall be assessed. Each violation shall be a separate violation
10 and shall be subject to the fine. An action seeking to establish
11 the fact of a violation and imposition of a monetary fine under
12 this section shall be commenced with the assistance of the county
13 prosecuting attorney.

14 SECTION 14. Effective date.

15 A. This ordinance shall become effective on January 1, 1990.

16 B. After the general election of November 1993 the county
17 council shall analyze the results of the elections under this
18 ordinance and prior to May 1, 1994 shall either re-enact this
19 ordinance with or without modifications or the provisions of this
20 ordinance shall expire on May 1, 1994.

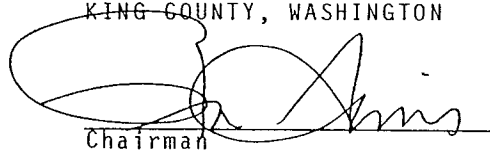
21 SECTION 15. Severability. Should any section, subsection,
22 paragraph, sentence, clause or phrase of this ordinance be
23 declared unconstitutional or invalid for any reason, such
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1 decision shall not affect the validity of the remaining portion
2 of this ordinance.

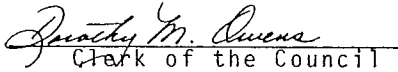
3 INTRODUCED AND READ for the first time this 11th day
4 of July, 1988.

5 PASSED this 22nd day of May, 1989.

6
7 KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

8 
9
10 Chairman

11 ATTEST:

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14 Clerk of the Council

15 APPROVED this _____ day of _____, 1989.

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DATE: 6/2/89

King County Executive



King County Executive
TIM HILL

400 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-4040

June 2, 1989

The Honorable Ron Sims, Chair
King County Council
Room 402
C O U R T H O U S E

RE: Ordinance 8970

I am returning Ordinance 8970 to the Council without my signature.

I agree with the intent of the Ordinance, to encourage broad-based citizen involvement in the election process. I am, however, philosophically opposed to spending public tax money on political campaigns.

Sincerely,

A handwritten signature in cursive script that reads "Tim Hill".

Tim Hill
King County Executive

Attachment

cc: King County Councilmembers
ATTN: Cal Hoggard, Program Director
Jerry Peterson, Council Administrator

