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91-558.ORD (GN/LP:tc:th)

Introduced by: Ron Sims
Proposed No.: 91 - 558

ORDINANCE NO. **10473**

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AN ORDINANCE relating to limits on campaign contributions; providing new definitions and establishing revised limits on contributions; adding a new section to K.C.C. 1.05, amending Ordinance 8970, Sections 2, 4, 8, and 10, and K.C.C. 1.05.020, K.C.C. 1.05.040, K.C.C. 1.05.070, K.C.C. 1.05.090, and K.C.C. 1.05.100.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 8970, Section 2, and K.C.C. 1.05.020

are hereby amended to read as follows: Definitions. For purposes of this chapter the following definitions shall apply:

A. (~~"Campaign year" means January 1 to December 31, of the year an election is held for a county elective office.~~)

~~(B.)~~ "Candidate" means any individual who seeks election to a public office set out in K.C.C. 1.05.030 whether or not successfully. An individual shall be deemed to be seeking election when he or she first: receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office, announces publicly or files for office, whichever occurs first.

~~(C.)~~ B. "Contribution" means a loan, loan guarantee, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services, for less than full consideration. "Contribution" does not include interest on moneys deposited in a political committee's account, ordinary home hospitality, volunteer in-kind labor or incidental expenses not in excess of twenty-five dollars personally paid for by a volunteer campaign worker. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the "contribution". Sums paid for tickets to fundraising events such as dinners and parties are

1 contributions; however, the amount of any such contribution may
2 be reduced for the purpose of complying with the reporting
3 requirements of this chapter by the actual cost of consumables
4 furnished in connection with the purchase of such tickets, and
5 only the excess over actual cost of such consumables shall be
6 deemed a contribution.

7 C. "Election cycle" means the period commencing on the day
8 after the last prior election for the affected office until the
9 date of the next election for said office. In the case of a
10 newly created position, the election cycle shall be the period
11 commencing on the date the position is created until the date
12 of the election to fill the newly created position.

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

26 1. The partial or complete repayment by a candidate or
27 political committee of the principal of a loan, the receipt of
28 which loan has been properly reported; or

29 2. The value of in-kind labor; or

30 3. Fines paid as a result of any penalties imposed on a
31 candidate for violating this chapter.

32 E. "Fair advertising" means any publication, literature or
33 media advertising, which bears the clear and conspicuous
34 identification of the sponsoring candidate's name.

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

5 G. "Independent expenditure" means expenditure on behalf
6 of, or opposing the election of, any candidate, when such
7 expenditure is made independently of the candidate, his/her
8 political committee, or agent, and when such expenditure is
9 made without the prior consent, or the collusion, or the
10 cooperation, of the candidate or his/her agent or political
11 committee.

12 ~~((H. "Outside political committee" means political
13 committees other than those authorized by a single specific
14 candidate for his/her campaign.))~~

15 H. "Own resources" means a candidate's personal funds or
16 property; provided, however, that it shall not include:

17 1. a candidate's surplus campaign funds as defined in
18 R.C.W. 42.17.020 from a prior campaign for an elected position,
19 except for such surplus funds as have been transferred to a
20 candidate's personal account pursuant to RCW 42.17.095(2).

21 2. excess campaign funds as defined in 2 U.S.C., Section
22 439(a) and 11 CFR, Section 113.2, or

23 3. contributions received for a campaign for any other
24 office.

25 ~~((I. "Non campaign year" means any one of three years
26 during the period beginning January 1 of the year after an
27 election for a county elective office.))~~

28 ((J)) I. "Person" means any individual, association,
29 corporation, candidate, committee, political committee,
30 political party, partnership or other entity.

31 ((K)) J. "Political committee" means any person (except a
32 candidate or an individual dealing with his own funds or
33 property) having the expectation of receiving contributions or
34 making expenditures in support of, or opposition to, any

1 candidate and which has also filed as a political committee
2 pursuant to RCW 42.17.

3 ((F)) K. "Political party" shall mean a major political
4 party or a new or minor party which is established pursuant to
5 RCW 29.42.

6 L. "Resident" means an individual natural person whose
7 domicile is within the boundaries of King County.

8 SECTION 2. Ordinance 8970, Section 4 and K.C.C. 1.05.040
9 are hereby amended to read as follows: Mandatory limitations
10 on contributions.

11 A. ~~((No person shall make a contribution of more than~~
12 ~~three hundred fifty dollars to any candidate for executive,~~
13 ~~county council, or assessor, in any campaign year; provided, a~~
14 ~~political committee may contribute up to one thousand dollars~~
15 ~~to any candidate for executive, county council, or assessor in~~
16 ~~the name of such group; provided further, that no person shall~~
17 ~~knowingly contribute more than three hundred fifty dollars in~~
18 ~~aggregate to any such candidate, in any campaign year,~~
19 ~~including contributions to outside political committees except~~
20 ~~political parties, which contribute to candidates for the above~~
21 ~~county offices.)) No person shall make contributions during
22 the election cycle totalling more than six hundred fifty
23 dollars in the aggregate to any candidate for executive, county
24 council or assessor, nor shall any political committee make
25 contributions during the election cycle totalling more than one
26 thousand dollars in the aggregate to any candidate for
27 executive, county council or assessor.~~

28 B. ~~((No person shall contribute more than \$100 during any~~
29 ~~non-campaign year to any candidate for executive, county~~
30 ~~ouncil, or assessor.)) No candidate for executive, county
31 council, or assessor shall accept or receive in an election
32 cycle campaign contributions totalling more than six hundred
33 fifty dollars in the aggregate from any person, nor shall any
34 such candidate accept or receive in an election cycle campaign~~

1 contributions totalling more than one thousand dollars in the
2 aggregate from any political committee.

3 ~~((C. No candidate for executive, county council, or~~
4 ~~assessor shall accept or receive a campaign contribution of~~
5 ~~more than three hundred fifty dollars from any person or more~~
6 ~~than one thousand dollars from any political committee in any~~
7 ~~campaign year nor shall any such candidate accept or receive a~~
8 ~~campaign contribution of more than \$100 from any person during~~
9 ~~a non-campaign year;~~

10 D-)) C. The limitations imposed by this section shall not
11 apply to:

12 1. A candidate's contributions of his/her own resources
13 to his/her own campaign; the limitations imposed by this
14 section shall apply to the contributions of all others; and

15 2. Independent expenditures as defined by this chapter;
16 and

17 3. The value of in-kind labor((-)); and

18 4. Contributions to or expenditures from public office
19 funds made consistent with the provisions of RCW Ch.42.17.243.

20 D. Surplus campaign funds, as defined in RCW 42.17.030,
21 from a candidate's prior campaign and contributions received by
22 a candidate in connection with a campaign for another office
23 may be used by that candidate for the candidate's current
24 campaign only to the extent that such funds are derived from
25 contributions that were within the dollar limitations imposed
26 by this ordinance. If such funds are from a campaign not
27 governed by this ordinance, a candidate may use only so much of
28 each contribution previously received as would have been
29 allowable as a contribution under this ordinance if it had
30 applied to that campaign. The source of a candidate's surplus
31 campaign funds shall be determined to be derived from the most
32 recent contributions received by such candidate or that
33 candidate's political committee which in total equal the amount
34 of the surplus campaign funds.

1 SECTION 3. Ordinance 8970, Section 8 and K.C.C. 1.05.070
2 are hereby amended to read as follows: Expenditure
3 limitations.

4 A. A candidate for county council who signs a campaign
5 contract in accordance with K.C.C. 1.05.050 shall not, during
6 the ((campaign-year)) election cycle, make expenditures,
7 including expenditures of any public matching funds received
8 pursuant to this ordinance, exceeding the aggregate amount of
9 the annual salary of the office which the candidate is seeking,
10 calculated for the year of the election. A candidate for
11 executive, or assessor who signs a campaign contract in
12 accordance with K.C.C. 1.05.050 shall not, during the
13 ((campaign-year)) election cycle, make expenditures, including
14 expenditures of any public matching funds received pursuant to
15 this ordinance, exceeding three times the aggregate amount of
16 the annual salary of the office for which the candidate is
17 seeking.

18 B. Independent expenditures, as defined by this chapter,
19 shall not be included in the computation of a candidate's
20 expenditures.

21 SECTION 4. Ordinance 8970, Section 10 and K.C.C. 1.05.090
22 are hereby amended to read as follows: Public matching funds -
23 specifications.

24 A. Effective with elections for county offices in 1991 a
25 candidate who has met the eligibility requirements for public
26 matching funds and who has signed a campaign contract shall be
27 entitled to receive one dollar in public matching funds for
28 every one dollar received from any resident of King County
29 during the ((campaign-year)) election cycle to a maximum public
30 match of fifty dollars per individual contributor. Neither
31 loans nor the transfers of anything of value other than money
32 to the candidate or his/her political committee shall be
33 matched with public funds.

34 B. A candidate who signs a campaign contract who otherwise
35 is eligible to receive public matching funds shall be eligible

1 until it is determined that such candidate has no opponent at
2 the close of the filing period or after the primary election as
3 provided by law. For purposes of this section, a write-in
4 candidate shall not be considered as an opponent.

5 C. If following the election wherein the candidate is
6 elected or defeated, the candidate has unexpended campaign
7 funds, one-half of such surplus, but not to exceed the amount
8 of public matching funds received, shall be returned to the
9 appropriate county account within ten days of certification of
10 the election.

11 SECTION 5. Ordinance 8970, Section 11 AND K.C.C. 1.05.100
12 are hereby amended to read as follows: Payment of matching
13 funds.

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

19 B. Candidates who have signed a campaign contract and who
20 qualify for (~~entitled to~~) public matching funds shall be paid
21 within three working days (~~upon~~) after submission of a
22 request for payment of matching funds (~~vouchers which shall be~~
23 ~~approved by~~) to the director of executive administration or
24 his (~~or~~) / her designee.

25 C. The director of executive administration or his / her
26 designee shall review requests by candidates for payment of
27 matching funds for compliance with the provisions of K.C.C.
28 1.05, and approve or disapprove such requests for payment.

29 NEW SECTION SECTION 6. Authority to make rules. The
30 County Council shall adopt by ordinance on or before October 5,
31 1992 rules necessary to implement and enforce the provisions of
32 this ordinance. The director of executive administration or
33 his / her designee shall assist the county council in the
34 development of rules.

