

May 31, 1994

Introduced By: Kent Pullen
Jane Hague

jym/clerk

Proposed No.: 94-288

ORDINANCE NO. **11348**

AN ORDINANCE relating to campaign
contribution limitations, and declaring
an emergency.

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-based citizen involvement in financing election campaigns. The county further finds that public confidence can also be enhanced by broadening public disclosure requirements with respect to the transfer and use of surplus campaign funds.

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

8 D. The county, therefore, finds it is in the public
9 interest to encourage the widest participation of the public
10 in the electoral process, to reduce the dependence of
11 candidates on large contributions and to increase public
12 knowledge of the candidates and of election issues. The
13 county finds that campaign expenditure limitations are in the
14 best interest of the public. Recognizing that public
15 matching funds for campaign purposes are necessary for
16 voluntary expenditure limitations to be successful and
17 voluntary programs are the only limitations constitutionally
18 permissible, the council finds a program of public matching
19 funds should be established. The council recognizes,
20 however, that effective December 3, 1992, Washington
21 Initiative 134 passed by the voters at the November 3, 1992
22 general election prohibits the use of public funds to finance
23 political campaigns for state or local office.

24 SECTION 2. For purposes of this chapter, the following
25 definitions shall apply:

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

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

21 C. "Election cycle" means the combination of the
22 general or special election and the primary election for the
23 office in question and begins on the date an individual
24 becomes a candidate for such office and ends on the date that
25 candidate files his or her final report pursuant to RCW
26 42.17.080(2).

27 D. "Expenditure" means a payment, contribution,
28 subscription, distribution, loan advance, deposit, or gift of
29 money or anything of value, and includes a contract, promise,
30 or agreement, whether or not legally enforceable, to make an
31 expenditure. "Expenditure" also includes a promise to pay;
32 and a payment or transfer of anything of value in exchange
33 for goods, services, property, facilities, or anything of

1 value for the purpose of assisting, benefiting or honoring
2 any public official or candidate, or assisting in furthering
3 or opposing any election campaign. For purposes of this
4 chapter, expenditures other than money or its equivalent
5 shall be deemed to have a monetary value equal to the fair
6 market value of the expenditure. "Expenditure" shall not
7 include:

- 8 1. The partial or complete repayment by a
9 candidate or political committee of the principal of a loan,
10 the receipt of which loan has been properly reported; or
- 11 2. The value of in-kind labor; or
- 12 3. Fines paid as a result of any penalties
13 imposed on a candidate for violating this chapter.

14 E. "Fair advertising" means any publication,
15 literature or media advertising, which bears the clear and
16 conspicuous identification of the sponsoring candidate's
17 name.

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

22 G. "Independent expenditure" means an expenditure on
23 behalf of, or opposing the election of, any candidate, when
24 such expenditure is made independently of the candidate,
25 his/her political committee, or agent, and when such
26 expenditure is made without the prior consent, or the
27 collusion, or the cooperation, of the candidate or his/her
28 agent or political committee.

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

- 31 1. a candidate's surplus campaign funds as
32 defined in RCW 42.17.020 from a prior campaign for an elected
33 position, except for such surplus funds as have been

1 transferred to a candidate's personal account pursuant to RCW
2 42.17.095(2).

3 2. excess campaign funds as defined in 2 USC
4 Section 439(a) and 11 CFR Section 113.2, or

5 3. contributions received for a campaign for any
6 other office.

7 I. "Person" means any individual, association,
8 corporation, candidate, committee, political committee,
9 political party, partnership or other entity.

10 J. "Political Committee" means any person (except a
11 candidate or an individual dealing with his own funds or
12 property) having the expectation of receiving contributions
13 or making expenditures in support of, or in opposition to,
14 any candidate and which has also filed as a political
15 committee pursuant to RCW 42.17.

16 K. "Political party" shall mean a major political
17 party or a new or minor party which is established pursuant
18 to RCW 29.42.

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

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

24 SECTION 4. Mandatory Limitations on Contributions.

25 A. No person other than a political committee shall
26 make contributions during the election cycle totaling more
27 than six hundred fifty dollars in the aggregate to any
28 candidate for executive, county council or assessor, nor
29 shall any political committee make contributions during the
30 election cycle totaling more than one thousand dollars in the
31 aggregate to any candidate for executive, county council or
32 assessor.

1 B. No candidate for executive, county council, or
2 assessor shall accept or receive during the election cycle
3 campaign contributions totaling more than six hundred fifty
4 dollars in the aggregate from any person other than a
5 political committee nor shall any such candidate accept or
6 receive during the election cycle campaign contributions
7 totaling more than one thousand dollars in the aggregate from
8 any political committee.

9 C. The limitations in this section shall not apply to:

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

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

16 3. The value of in-kind labor; and

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

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

1 political committee which in total equal the amount of the
2 surplus campaign funds. A candidate must file a statement
3 with the records and elections division and the Public
4 Disclosure Commission which identified any funds used
5 pursuant to this section. The statement shall include the
6 following information for each amount transferred: The
7 original contributor, original date of contribution, amount
8 originally contributed, and the portion of each contribution
9 transferred to the current campaign.

10 SECTION 5. Penalties. The violation or failure to
11 comply with the provisions of this chapter shall constitute a
12 civil violation for which a monetary fine of up to one
13 thousand dollars shall be assessed. Each violation shall be
14 a separate violation and shall be subject to the fine. An
15 action seeking to establish the fact of a violation and
16 imposition of a monetary fine under this section shall be
17 commenced with the assistance of the county prosecuting
18 attorney.

19 SECTION 6. Rules. Ordinance 10742 adopted rules
20 relating to campaign contribution limitations with respect to
21 political campaigns for the offices of King County executive,
22 council and assessor and these rules remain in effect as
23 amended by this ordinance.

24 SECTION 7. Ordinance 10742, attachment A, Section 5.5
25 is hereby amended to read as follows:

26 "Election cycle" means the ~~((period commencing on the~~
27 ~~election certification date after the last prior election for~~
28 ~~the affected office until the election certification date of~~
29 ~~the next election for said office. In the case of a newly~~
30 ~~created position, the election cycle shall be the period~~
31 ~~commencing on the date the position is created until the~~
32 ~~election certification date of the newly created position))~~
33 combination of the general or special election and the

1 primary election for the office in question and begins on the
2 date an individual becomes a candidate for such office and
3 ends on the date that candidate files his or her final report
4 pursuant to RCW 42.17.080(2).

5 SECTION 8. Ordinance 10742, attachment A, Section 6.3
6 is hereby amended to read as follows:

7 6.3.1 Election Cycle Contributions from Persons
8 other than Political Committees. All persons, except
9 political committees, are prohibited from making
10 contributions during the election cycle totaling more than
11 \$650 in the aggregate to any candidate for executive, county
12 council or assessor.

13 6.3.2 Election Cycle Contributions from Political
14 Committees. No political committee may make contributions
15 during the election cycle totaling more than \$1,000 in the
16 aggregate to any candidate for executive, county council or
17 assessor.

18 6.3.3 Acceptance of Contributions by County Office
19 Candidates from Persons other than Political Committees. No
20 candidate for executive, county council, or assessor shall
21 accept or receive ~~((in an))~~ during the election cycle
22 campaign contributions totaling more than \$650 in the
23 aggregate from any persons~~((s))~~ other than political
24 committees.

25 6.3.4 Acceptance of Contributions by County Office
26 Candidates from Political Committees. No candidate for
27 executive, county council, or assessor shall accept or
28 receive ~~((in an))~~ during the election cycle campaign
29 contributions totaling more than \$1,000, in the aggregate
30 from any political committee~~((s))~~.

31 6.3.5 Each spouse in a single-income family may
32 contribute up to \$650 to the same candidate in an election
33 cycle.

1 6.3.6 Unless otherwise instructed, a contribution
2 drawn upon a joint account shall be attributed in equal
3 proportion to each of the account holders as identified by
4 the names printed on the face of the check or negotiable
5 instrument.

6 6.3.7 Unless otherwise instructed, a monetary
7 contribution conveyed by written instrument containing
8 multiple signatures shall be attributed equally to the persons
9 signing the instrument.

10 6.3.8 A contribution made to a political committee
11 and earmarked for a specific candidate shall be attributed to
12 the actual contributor.

13 6.3.9 Exceptions. The limitations imposed by this
14 section shall not apply to:

- 15 1. A candidate's contributions of his/her own
16 resources to his/her own campaign; and
- 17 2. Independent expenditures as defined in K.C.C.
18 1.05; and
- 19 3. The value of in-kind labor; and
- 20 4. Contributions to or expenditures from public
21 office funds made consistent with the provisions of RCW
22 42.17.243.

23 SECTION 9. Severability. Should any section,
24 subsection, paragraph, sentence clause or phrase of this
25 chapter be declared unconstitutional or invalid for any
26 reason, such decision shall not affect the validity of the
27 remaining portion for this chapter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

SECTION 10. Emergency. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of county government and its existing public institutions.

INTRODUCED AND READ for the first time this 9th day of May, 1994.

PASSED this 31st day of May, 1994.

Passed by a vote of 11-0.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Kent Pullen
Chair

ATTEST:

Gerald A. Peterson
Clerk of the Council

APPROVED this 10th day of June, 1994.

Guy Lode
King County Executive

Attachments: