



SEATTLE CITY COUNCIL
CENTRAL STAFF

Political Consultant Ethics bill

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Overview of the bill

- Amends SMC 4.16 Code of Ethics to define and regulate political consultants and political consulting services.
- Modeled after Reporting Regulations in Portland and San Francisco.
- Political consultants would be required to register and report on political consulting services to the SEEC.
- CB 121130 would prohibit political consultants from performing compensated work on an election campaign and being under contract with the City at the same time.
- The SEEC would be empowered to enforce the bill's regulations with civil penalties.

Definitions

Political Consultant

- A person that provides political consulting services to: an elected official; a candidate for City office; or the authorized campaign committee registered with the Washington Public Disclosure Commission for a City ballot proposition. “Political consultant” does not include: a City employee; an accountant, attorney, pollster, or professional fundraiser who provides only accounting, legal, polling, or fundraising services, respectively; or a vendor or subvendor who supplies goods or services other than political consulting services for an election campaign.

Definitions

Political Consulting Services

- Actions in City campaign management and political strategy services, including but not limited to: advocacy and strategy; political polling; advising or assisting in voter contact strategies and services; advising in media strategy, buying, and advertisement; providing candidate development, policy training, political image consulting, and designing, implementing, and analyzing polls and surveys; performing issues research and opposition research; developing and assisting in strategic communication such as news releases, talking points, and speech writing; and advising on negative information handling and political crisis management.

Registration Requirements

1. Who registers?

- A political consultant (individual or business entity)

2. When does registration occur?

- Within 15 days after providing any political consulting services.

3. When is registration updated?

- Within 15 days of a change in registration information; or
- A termination statement is filed within 15 days of the termination of all political consulting services provided regarding an election campaign.

Elected Official Reporting Requirements

- Within 15 days after the end of a quarter, an elected official must file a statement with SEEC Executive Director identifying for that quarter any political consultant that provides or provided political consulting services to that official and the date when services commenced.
- An elected official must update the information within 15 days of a change to the reporting information.

SEEC Website Publishes Reported Info

- The Commission must post on its website all information submitted in any statement or registration within 5 days of receipt.

Review of Portland's Reporting Law

The reporting aspects of CB 121130 closely track Portland's political consulting reporting law (Portland Code Chapter 2.14), with some differences:

Scope:

- Portland's law applies to political consultants for elected officials, *successful* candidates for City elected office, or *successful* campaign committees. Also only applies to political consultants that make the work their trade or profession.
- CB 121130 would apply to elected officials, *any* candidate for office, and *any* authorized campaign committee for ballot measures, but *not* campaign committees for candidates.

Review of Portland's Reporting Law (cont.)

Registration:

- Portland requires a political consultant to report the names and contact info of principals, employees, and contractors *that provide political consulting services to a City elected official*.
- CB 121130 would require a political consultant to register the name and contact info of *all* their business principals, employees, and contractors regardless of their work on a campaign.

Review of San Francisco's Reporting Law

Like Portland's regulations, San Francisco's law focuses on reporting and transparency.

- San Francisco's political consulting law applies to political consultants that earn \$1,000 or more from political consulting in a calendar year.
- The reporting information collected is more detailed, including how much the political consultant was paid.
- The political consultants file quarterly reports instead of the elected officials. They also include information about any City contract obtained by the political consultant during the reporting period if the contract was approved by a client.

Prohibited Conduct of Political Consultants

In addition to reporting requirements, CB 121130 would prohibit certain specific actions by political consultants.

In particular, political consultants could not:

1. Provide political consulting services without reporting as required by Section 4.16.072;
2. Perform compensated work on both an election campaign and perform consulting services with the City at the same time; or
3. Perform compensated political consulting services for an election campaign within one year after the termination of any consulting services contract between the City and a political consultant or the political consultant's principals, employees, or contractors.

Enforcement Provisions

CB 121130 would use the existing enforcement provisions in SMC 4.16 and apply them to the requirements for political consultants.

- Elected officials would be prohibited from knowingly using a political consultant that is in violation of the bill's provisions.
- No person could submit false, fraudulent, or misleading info in any statement or registration to the SEEC.
- If a person fails to report as required by the bill, they would face potential civil penalties.

Enforcement Provisions (cont.)

- Contracts that violate the provisions of the bill would be considered void.
- A person who violates subsection F.2 (working for both a campaign and a City contract at the same time) would be precluded from contracting with the City for 5 years.
- Under SMC 4.16.100.B, enforcement penalty options include a monetary fine of up to five thousand dollars (\$5,000) per violation or three (3) times the economic value of any thing sought or received in violation of Chapter 4.16, whichever is greater.
- The Executive Director of the SEEC would establish the fine amount and other available code sanctions, and violations are subject to appeal.

Sponsor's Substitute Bill

- The bill sponsor has linked a substitute bill for briefing and consideration. It makes 3 changes to the introduced version:
 - Defines political consultant only as someone PAID to perform political consulting services.
 - Amends the quarterly reporting section to require the political consultant to file reports instead of the elected official.
 - Adds a 4th prohibited action to provide a cooling off period between the end of a political campaign and beginning of a consulting contract with the City

Questions?