

## Amendment 1 to CB 121130 – Consultant Ethics

**Sponsor:** Councilmember Strauss

Removing certain prohibited acts; reincorporating right-sized registration and reporting requirements.

**Effect:** This Amendment accomplishes three purposes:

- (1) to reincorporate the political consulting entity registration and reporting requirements from the introduced version of the bill.
- (2) to retain registration of political consultants and political consulting entities, but right-size this requirement from the introduced version so that a registering entity discloses only the principals, employees, and contractors that work on a political consulting matter.
- (3) to remove 3 prohibited conduct provisions. The first prohibition prevents City contractors from engaging in political activities for election campaigns. The second and third require a cooling off period between City consulting work and political consulting work. Removing these prohibitions allows for those contracting with the City to share in the broad range of political expression opportunities enjoyed by other City employees. A related amendment would also remove a 5 year debarment requirement that was a consequence of political consultants violating the provision on concurrent City contracting and political consulting work.

Note: The amendment language is shown in dashed underline and double underline/strikethrough. The dashed line indicates language that is from the introduced version of the bill and proposed to be reincorporated into the bill. The double underline/strikethrough is new language proposed for the bill.

1. Amend the title of CB 121130 as follows:

AN ORDINANCE relating to the Ethics Code; establishing reporting and disclosure requirements for political consultants; prohibiting political consultants from providing political consulting services without reporting (~~concurrently performing consulting work with the city; establishing a cooling off period for political consultants~~); adding a new Section 4.16.072 to the Seattle Municipal Code; and amending Section 4.16.030 of the Seattle Municipal Code.

2. Amend Section 1 of CB 121130 to reincorporate language from the introduced version in subsection F as follows:

Section 1. The City finds and declares:

\* \* \*

F. Registered lobbyists must file reports pursuant to Chapter 2.06 SMC, which makes their relationships with elected officials more publicly transparent than the elected officials' unreported relationships with their political consultant(s). Given consultants' access and potential influence over the City's decision makers, it is important to expand transparency by establishing registration and reporting requirements for political consultants. ~~((prohibit certain concurrent consulting activities))~~.

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3. Amend Section 1 of CB 121130 to remove subsection G as follows:

Section 1. The City finds and declares:

\* \* \*

~~((G. In SMC 4.16.075, those leaving City employment, including City contractors and consultants, are restricted from certain types of activities or from using confidential information gained from the City; likewise, this legislation creates a cooling off period wherein those performing consulting services for the City must wait one year before providing political consulting services to an election campaign.))~~

\* \* \*

4. Amend Section 3 of CB 121130 to reincorporate deleted language in subsection A and reincorporate the introduced versions of 4.16.072.B (with differences noted with double underlining), 4.16.072.C, 4.16.072.E, 4.16.072.H, and 4.16.072.I that are renumbered as follows:

Section 3. A new Section 4.16.072 is added to the Seattle Municipal Code as follows:

#### **4.16.072 Political consultants**

A. The purpose of this Section 4.16.072 is to prevent conflicts of interest and enhance transparency by prohibiting political consultants from engaging in certain activities and otherwise requiring political consultants to comply with registration and reporting requirements. This Section 4.16.072 does not regulate the content and viewpoint of services provided regarding an election campaign.

B. Within 15 days after providing any political consulting services, a political consultant shall register with the Executive Director. The registration shall include at least:

1. If the political consultant is an individual, the name and phone contact information of both the individual and any of the individual's associated entities that provide political consulting services on the matter prompting registration;

2. If the political consultant is an entity, the names and phone contact information of its principals, employees, and contractors that provide political consulting services on the matter prompting registration;

3. The name of the candidate or elected official to whom the political consultant provided political consulting services, or, if the political consultant services were provided to the principal campaign committee for a ballot proposition, the identity of the proposition; and

4. The date when services commenced.

If any information in the registration changes, the political consultant shall update that information within 15 days of the change.

C. When a political consultant who is required to register under this Section 4.16.072 later terminates all political consulting services provided regarding an election campaign, the political consultant shall file a termination statement with the Executive Director within 15 days of termination.

D. All information submitted in any statement or registration required by this Section 4.16.072 will be posted on the Commission's website within five days after receipt.

E. A person shall not submit false, fraudulent, or misleading information in any statement or registration, including but not limited to misrepresenting the scope or nature of services provided or the identity of clients to whom services are provided.

F. The Commission's rulemaking powers for this Section 4.16.072 include but are not limited to prescribing forms for registration and reporting, determining the method for filing, conducting appropriate inquiry and review of reports or statements for completeness and accuracy, and establishing fees for late filing or non-filing.

\* \* \*

5. Amend Section 3 of CB 121130 to amend Section 4.16.072.B as follows:

Section 3. A new Section 4.16.072 is added to the Seattle Municipal Code as follows:

**4.16.072 Political consultants**

\* \* \*

G((B)). A political consultant shall not((:))

((1. Perform)) perform political consulting services ~~work on a consulting contract~~  
~~with the City~~ without reporting as required by this Section 4.16.072 ~~((or))~~.

~~((2. Perform compensated work on a City election campaign while retained with a consulting services contract with the City at the same time; or~~

~~3. Perform compensated political consulting services for a City 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; or~~

~~4. Perform work under a consulting services contract with the City within one year after the termination of any political consulting services for a City election campaign.))~~

6. Amend Section 3 of CB 121130 to remove Section 4.16.072.E.2 as follows:

Section 3. A new Section 4.16.072 is added to the Seattle Municipal Code as follows:

#### **4.16.072 Political consultants**

\* \* \*

1((~~5~~)). In addition to other enforcement provisions in this Chapter 4.16(~~(1)~~)

((~~1~~)) A contract with the City that is in violation of this Section 4.16.072 is void.

Upon determination by the Executive Director that such a contract is void, the Executive Director is authorized to pursue collection of payments made by the City related to the contract.

~~((2. A person that violates subsection 4.16.072.B.2 shall not contract with the City for five years after the date the person is found to be in violation. Pursuant to Section~~

~~20.70.030, the Director of Finance and Administrative Services may issue an order of  
debarment that prevents a person from entering into any contract with the City or from  
acting as a subcontractor on any contract with the City.))~~

7. Amend CB 121130 to renumber each subsection for sequential consistency as needed.