



Legislation Text

File #: CB 119279, Version: 2

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to elections; raising limits of certain items on the statement of financial affairs in conformity with state law; changing deadlines and definitions related to the democracy voucher program to align better with other state and City practices; creating a crime of falsifying democracy voucher program qualification information; making technical corrections to and reorganizing and clarifying the content of the democracy voucher program; and amending Sections 2.04.165 and 2.04.370 and Chapter 2.04, Subchapter VIII of the Seattle Municipal Code.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 2.04.165 of the Seattle Municipal Code, last amended by Initiative 122, is amended as follows:

**2.04.165 Reports of personal financial affairs((-))**

A. The following shall file a statement of financial affairs:

1. Every candidate shall, within two weeks of becoming a candidate, file with the City Clerk a statement of financial affairs for the preceding (~~twelve~~) 12 months.

2. Every elected official and every candidate for a future election shall, after January 1(~~st~~) and before April 15(~~th~~) of each year, file with the City Clerk a statement of financial affairs for the preceding calendar year, unless a statement for that same (~~twelve~~) 12-month period has already been filed with the City Clerk. Any elected official whose term of office expires immediately after December 31(~~st~~) shall file the statement required to be filed by this section for the year that ended on that December 31(~~st~~).

3. Every person appointed to a vacancy in an elective office shall, within two weeks of being so appointed, file with the City Clerk a statement of financial affairs for the preceding (~~twelve~~) 12 months.

4. A statement of a candidate or appointee filed during the period from January 1((st)) to April 15((th)) shall cover the period from January 1((st)) of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

5. No individual may be required to file more than once in any calendar year.

6. Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

B. The statement of financial affairs report shall contain the following:

1. The statement of financial affairs required by this ((chapter)) Chapter 2.04 shall disclose for the reporting individual and each member of ((his or her)) the individual's immediate family:

a. Occupation, name of employer, and business address; and

b. Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest that exceeded (((\$5,000)) \$24,000) at any time during the reporting period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded (((\$500)) \$2,400) during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each such direct financial interest during the reporting period; and

c. The name and address of each creditor to whom the value of (((\$500)) \$2,400) or more was ((owned)) owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt; provided, that debts arising out of a "retail installment transaction" as defined in ((Chapter)) chapter 63.14 RCW as of May 1, 2018 (Retail Installment Sales Act) need not be reported; and

d. Every public or private office, directorship, and position held as trustee; and

e. All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation; provided, that for the purposes of this subsection

2.04.165.B.1, "compensation" does not include payments made to the person reporting by the governmental entity for which such person serves as an elected official for ~~((his or her))~~ the official's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

f. The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of ~~(((\$500))~~ \$2,400 or more; the value of the compensation; and the consideration given or performed in exchange for the compensation; and

g. The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten ~~((10))~~ percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity:

~~((i) with))~~ 1) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation;

~~((ii) the))~~ 2) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of ~~(((\$2,500))~~ \$12,000 or more during the preceding ~~((twelve))~~ 12 months and the consideration given or performed in exchange for the compensation; provided, that the term "compensation" for purposes of this subsection ~~((B1gii))~~ 2.04.165.B.1.g.2 does not include payment for water and other utility services at rates approved by the Washington State Utilities and Transportation Commission or the legislative authority of the public entity providing the service; provided, further, that with respect to any bank or commercial lending institution in which is held any office, directorship, partnership

interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding ~~((twelve))~~ 12 months by the bank or commercial lending institution from the government entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds ~~(((\$600))~~ \$2,900; and

h. A list, including legal or other sufficient descriptions as prescribed by the Commission of all real property in ~~((The State))~~ the state of Washington, the assessed valuation of which exceeds ~~(((\$2,500))~~ \$12,000 in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest; and

i. A list, including legal or other sufficient descriptions as prescribed by the Commission, of all real property in ~~((The State))~~ the state of Washington, the assessed valuation of which exceeds ~~(((\$2,500))~~ \$12,000 in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration; and

j. A list, including legal or other sufficient descriptions as prescribed by the Commission, of all real property in ~~((The State))~~ the state of Washington, the assessed valuation of which exceeds ~~(((\$2,500))~~ \$12,000 in which a direct financial interest was held; provided, that if a description of the property has been included in a report previously filed, the property may be listed, for purposes of this provision, by reference to the previously filed report; and

k. A list, including legal or other sufficient descriptions as prescribed by the Commission, of all real property in ~~((The State))~~ the state of Washington, the assessed valuation of which exceeds ~~(((\$5,000))~~ \$24,000, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in

which corporation, partnership, firm, or enterprise a ten ~~((10))~~ percent or greater ownership interest was held; and

l. A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of \$50 was accepted from a source other than the City provided all or portion; and

m. A list of each occasion, specifying date, donor, and amount, at a source other than the City paid for or otherwise provided all or a portion of the travel or seminars, educational programs, or other training; and

n. Such other information as the Commission may deem necessary ~~((in order))~~ to ~~((properly))~~ carry out the purposes and policies of this ~~((chapter))~~ Chapter 2.04, as the Commission shall prescribe by rule.

2. ~~((Where))~~ If an amount is required to be reported under subsections 2.04.165.B.1.a through 2.04.165.B.1.m ~~((of this section))~~, it shall be sufficient to comply with the requirement to report whether the amount is less than \$1,000, at least \$1,000 but less than \$5,000, at least \$5,000 but less than \$10,000, at least \$10,000 but less than \$25,000, at least \$25,000 but less than \$100,000, at least \$100,000 but less than \$200,000, at least \$200,000 but less than \$1,000,000, at least \$1,000,000 but less than \$5,000,000, or \$5,000,000 or more. An amount of stock shall be reported by market value at the time of reporting. Each person reporting shall also report his or her reasonably estimated net worth. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

3. Items of value given to an official's or employee's spouse or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse or family member.

C. ~~((Concealing Identity of Source of Payment is Prohibited Exception.))~~ No payment shall be made to any person required to report under this ~~((chapter))~~ Chapter 2.04 and no payment shall be accepted by any such person, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent,

relative, or other person in such a manner as to conceal the identity of the source of the payment or in any other manner so as to effect concealment, except that the Commission may issue categorical and specific exemptions to the reporting of the actual source when there is an undisclosed principal for recognized legitimate business purposes.

Section 2. Section 2.04.370 of the Seattle Municipal Code, last amended by Initiative 122, is amended as follows:

**2.04.370 Mandatory limits on contributions((-))**

\* \* \*

G. The limitations in this ~~((section))~~ Section 2.04.370 shall be adjusted commencing before the 2019 election cycle, and prior to each election cycle thereafter, by ~~((SEEC))~~ the Commission to account for inflation or deflation using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the period since the effective date of this measure or the prior adjustment, as calculated by the United States Department of Labor. The declaration of the Washington State Department of Labor and Industries each September 30 regarding the rate by which Washington State's minimum wage rate is to be increased effective the following January 1, shall be the authoritative determination of the rate or percentage of increase or decrease to be adjusted, except that ~~((SEEC))~~ the Commission may round off the new figures ~~((up or down, to the nearest \$5 or \$10 increment, as it deems proper))~~ to amounts judged most convenient for public understanding.

Section 3. Chapter 2.04, Subchapter VIII of the Seattle Municipal Code, enacted by Initiative 122, is amended as follows:

**Subchapter VIII Honest Elections Seattle**

**2.04.600 Purpose and ~~((Authority.))~~ authority**

~~((a))~~ A. Purpose. This ~~((people's initiative measure))~~ Subchapter VIII's purpose is to build~~((s))~~ honest elections in the City ~~((of Seattle ("City" or "Seattle")))~~ and prevent~~((s))~~ corruption~~((;))~~ by: giving more people

an opportunity to have their voices heard in ~~((our))~~ democracy; ensuring a fair elections process that holds ~~((our))~~ elected leaders accountable to ~~((us))~~ the people by strengthening ~~((voters'))~~ residents' control over City government; banning campaign contributions by certain City contractors and entities using paid lobbyists; lowering campaign contribution limits; tightening prohibitions on lobbying by former elected officials (the "revolving door" problem); and expanding requirements for candidates to disclose their financial holdings and interests~~((; and increasing fines on violators of campaign rules))~~. This ~~((measure))~~ Subchapter VIII also creates a ~~((Democracy Voucher campaign))~~ democracy voucher public finance program ~~((("Democracy Voucher Program" or "Program"))~~ "democracy voucher program" or "program" in this Subchapter VIII) to expand the pool of candidates for ~~((city))~~ City offices and to safeguard the people's control of the elections process in Seattle.

~~((b))~~ B. Authority of the ~~((People))~~ people. The ~~((People))~~ people have vested legislative powers of the City in a Mayor and City Council, but reserved to themselves independent of the Mayor and the City Council the power to propose for themselves measures dealing with any matter within the realm of local affairs or municipal business. That power includes the use of an initiative petition to submit to the qualified electors of the city a measure as authorized by RCW 84.55.050 to exceed the limitations of regular property taxes contained in chapter 84.55 RCW ~~((Chapter 84.55))~~, as it now exists or may hereinafter be amended. The authority of the people to adopt this measure is also specifically authorized and reserved to the electors of the City of Seattle by RCW 42.17A.550, which allows a city to use locally derived public funds (whether from taxes, fees, penalties or other sources) to publicly finance local political campaigns, if the proposal to do so is submitted to City of Seattle voters for their adoption and approval, or rejection.

**2.04.601 ~~((No Campaign Contributions from City Contractors or their PACs.)) Contributions from certain City contractors prohibited~~**

A.

1. No Mayor, City Council~~(( ))~~member<sub>2</sub>, or City Attorney<sub>2</sub>, or any candidate for any such position<sub>2</sub>

shall knowingly accept any contribution directly or indirectly from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship ~~((with))~~ to provide goods and/or services to the City.

2. If subsection 2.04.601.A.1 is invalidated, then no Mayor, City Councilmember, or City Attorney, or any candidate for any such position shall knowingly accept any contribution of more than \$250 in one calendar year, directly or indirectly, from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship to provide goods and/or services to the City.

B.

1. No Mayor, City Council~~(( ))~~member,<sub>2</sub> or City Attorney,<sub>2</sub> or any candidate for any such position,<sub>2</sub> shall knowingly solicit a contribution for ~~((himself or herself))~~ themselves or for any political party, political committee, campaign committee,<sub>2</sub> or public office fund, directly or indirectly from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship ~~((with))~~ to provide goods and/or services to the City. ~~((If the first sentence of this section is invalidated then no Mayor, City Council member or City Attorney or any candidate for any such position shall knowingly accept any contribution of more than \$250 in one calendar year, directly or indirectly, from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship with the City. If the second sentence of this section))~~

2. If subsection 2.04.601.B.1 is invalidated,<sub>1</sub> then no Mayor, City Council~~(( ))~~member,<sub>2</sub> or City Attorney,<sub>2</sub> or any candidate for any such position,<sub>2</sub> shall knowingly solicit a contribution of more than \$250, for ~~((himself or herself))~~ themselves or for any political party, political committee, campaign committee,<sub>2</sub> or public office fund, directly or indirectly from any entity or person who in the prior two years has earned or received more than \$250,000, under a contractual relationship ~~((with))~~ to provide goods and/or services to the City.

C. ~~((In all cases such a candidate or office holder may solicit))~~ Neither soliciting ~~((and))~~ nor accepting assignment of ~~((Democracy Vouchers without such solicitation or assignment being considered))~~ democracy



vouchers is a violation of this ((section)) Section 2.04.601.

D. If any part of this ((section)) Section 2.04.601 is ((held invalid)) invalidated, the remainder shall be construed to effect the anticorruption purposes of this ((section)) Section 2.04.601 to the maximum extent allowable.

**2.04.602 ((No Campaign Contributions From Regulated Corporations/Industries that Hire Lobbyists.))**

**Contributions from certain entities or persons who retain lobbyists prohibited**

A.

1. No Mayor, City Council(( ))member, or City Attorney, or any candidate for any such position shall knowingly accept any contribution directly or indirectly from any entity or person who during the past 12-month period has paid \$5,000 or more to a lobbyist or lobbying entity (as such terms are defined in ((SMC)) Section 2.06.010) for lobbying the City ((of Seattle)).

2. If subsection 2.04.602.A.1 is invalidated, then no Mayor, City Councilmember, or City Attorney, or any candidate for any such position shall knowingly accept any contribution of more than \$250 in any one calendar year, directly or indirectly from any entity or person who during the past 12-month period has paid \$5,000 or more to a lobbyist or lobbying entity (as such terms are defined in Section 2.06.010) for lobbying the City.

B.

1. No Mayor, City Council(( ))member, or City Attorney, or any candidate for any such position shall knowingly solicit a contribution, for ((himself or herself)) themselves or for any political party, political committee, campaign committee, or public office fund, from any entity or person who during the past 12 month period has paid \$5,000 or more to a lobbyist or lobbying entity (as such terms are defined in ((SMC)) Section 2.06.010) for lobbying the City ((of Seattle)). ((If the first sentence of this section is invalidated, then no Mayor, City Council member or City Attorney or any candidate for any such position shall knowingly accept any contribution of more than \$250 in any one calendar year, directly or indirectly from any entity or person who

during the past 12-month period has paid \$5,000 or more to a lobbyist or lobbying entity (as such terms are defined in SMC 2.06.010) for lobbying the City of Seattle. If the second sentence of this section))

2. If subsection 2.04.601.B.1 is invalidated, then no Mayor, City Council(( ))member<sub>2</sub>, or City Attorney<sub>2</sub>, or any candidate for any such position<sub>2</sub>, shall knowingly solicit a contribution of more than \$250, for ((himself or her))themselves or for any political party, political committee, campaign committee<sub>2</sub>, or public office fund, from any entity or person who during the past 12-month period has paid \$5,000 or more to a lobbyist or lobbying entity (as such terms are defined in ((SMC)) Section 2.06.010) for lobbying the City ((of Seattle)). In all cases such a candidate or office holder may solicit and accept assignment of ((Democraey Vouchers)) democracy vouchers without such solicitation or assignment being considered a violation of this ((section)) Section 2.04.602. If any part of this ((section)) Section 2.04.602 is held invalid the remainder shall be construed to effect the anticorruption purposes of this ((section)) Section 2.04.602 to the maximum extent allowable.

**2.04.605 Expedited ((Reporting of Electronic Contributions.)) reporting of electronic contributions**

To ensure the ((Seattle Ethics and Elections)) Commission ((("SEEC")))) creates an electronic reporting system that increases transparency, does not discriminate against low-budget campaigns, and takes advantage of advances in information technology, all candidates for City ((of Seattle)) electoral offices shall report to the ((Seattle)) City Clerk any campaign contribution made electronically upon deposit into a candidate's account; provided that this ((provision)) requirement shall ((take effect)) exist only after ((SEEC shall have)) the Commission has determined that there are two or more electronic payment processing companies that have the capacity to report contributions to the ((SEEC)) Commission as soon as the contribution is transferred to the candidate's account. The Commission shall provide notice reasonably in advance of the election cycle in which campaigns shall comply. ((To give campaigns time to prepare for this section, SEEC shall establish the effective date of this section by rule published reasonably in advance of the election cycle in which campaigns shall comply. SEEC)) The Commission shall ensure that<sub>2</sub>, before a contribution is required to be publicly

disclosed as received by a campaign, the campaign shall have reasonable opportunity to reject or return undesired or illegal contributions.

**2.04.606 (~~(Signature Gatherers Must Disclose if Paid for Signatures.)~~) Paid signature gatherers' disclosure**

Any person or entity that is a compensated or paid signature gatherer for any City (~~(of Seattle)~~) ballot measure, initiative, referendum, or (~~(charter)~~) Charter amendment shall disclose such to each person from whom a signature is sought, in writing via a conspicuous, legible sign, placard, or badge, stating "PAID SIGNATURE GATHERER."

**2.04.607 Three-year (~~(Ban)~~) prohibition on Mayor, Councilmember, City Attorney, or (~~(Top Staff Paid Lobbying.)~~) top staff paid lobbying**

A. A former Mayor, City Council(~~( )~~)member, City Attorney, or City Department head, or the highest paid aide or employee directly reporting to any of the foregoing, may not, during the period of three years after leaving City office or position, participate in paid lobbying as defined in (~~(SMC)~~) Section 2.06.010.

B. If (~~(the foregoing sentence)~~) subsection 2.04.607.A is invalidated, then a former Mayor, City Council (~~( )~~)member, City Attorney, or City Department head, or the highest paid aide or employee directly reporting to any of the foregoing, may not, during the period of two years after leaving City office or position, participate in paid lobbying as defined in (~~(SMC)~~) Section 2.06.010.

**2.04.620 (~~(The Right to \$100 in Democracy Vouchers, For Assignment to Qualified Candidates.)~~) Democracy voucher issuance**

~~((a) Democracy Vouchers. Democracy Vouchers are vital to ensure the people of Seattle have equal opportunity to participate in political campaigns and be heard by candidates, to strengthen democracy, fulfill other purposes of this subchapter and prevent corruption.~~

~~(b) Issuance of Democracy Vouchers.)~~

A. (~~(On the)~~) No later than the first business day in (~~(every municipal election year)~~) March, (~~(SEEC)~~)

the Commission shall mail to each person who was, by the previous ((November 15th)) December 31, duly registered to vote in ((the City of)) Seattle and an active voter under RCW 29A.08.615 (as amended by Chapter 109, Laws of 2018), at ((his or her)) the person's address in the voter registration records, \$100 in democracy vouchers((~~("Democracy Vouchers") consisting of four Democracy Vouchers of \$25 each~~)), except that ((SEEC )) the Commission may deliver ((~~Democracy Vouchers~~)) democracy vouchers online or in another manner((s)) if the person ((~~receiving same elects other manner of delivery~~)) chooses, as provided in this ((subchapter)) Section 2.04.620. Thereafter, ((SEEC)) the Commission shall regularly issue \$100 in ((~~Democracy Vouchers~~)) democracy vouchers to any person becoming a duly registered ((City of)) Seattle voter after the previous ((November 15th)) December 31, up until at least October 1((st)) of the election year, with regular issuance after October 1 allowable in the Commission's discretion. Democracy vouchers may be mailed or emailed to an address other than that indicated in the voter registration records.

B. ((To be consistent with federal law, any adult natural person who resides more than 30 days in the City of Seattle, and who is a registered voter, or is eligible to vote under local, state or federal law, or who is eligible under federal law to donate to a political campaign, but who has not received any Democracy Vouchers in the election cycle,)) Any adult natural person may opt in to the ((Program)) program and obtain ((an equivalent number of Democracy Vouchers)) democracy vouchers by application to ((SEEC)) the Commission if the person is eligible under federal law to donate to a political campaign, has continuously resided in Seattle for at least 30 days immediately preceding the application, and has not received any democracy vouchers in the election cycle. ((Any eligible adult may request Democracy Vouchers be mailed or emailed to an address other than that indicated in the voter registration records, or be delivered at SEEC offices, as soon as SEEC shall have developed a secure system for such distributions of Democracy Vouchers, including distribution online, in person, or to an address not listed in voter registration records. No resident outside Seattle, no corporation or other non-human entity, no person under the age of 18 years, and no person ineligible to make political contributions under federal law, may receive a Democracy Voucher.))

C. On the date that the Commission mails democracy vouchers to active voters, the Commission shall also notify inactive voters of their status as an inactive voter and their opportunity to receive democracy vouchers from the Commission.


~~((c) Form of Democracy Vouchers.))~~ **2.04.622 Democracy voucher form**

Each ~~(((\$25 Democracy Voucher))~~ democracy voucher shall ~~((state the holder's name, a unique voucher identification number, the election year, and words of assignment with blank spaces for the holder to designate a candidate and for the holder to sign their name, and may include information SEEC deems helpful for verifying signatures such as the voter identification number and barcode, in substantially the following form:))~~ substantially contain the information and substantially be in the form of Exhibit A for 2.04.622.

**Exhibit A for 2.04.622**

**Sample democracy voucher**

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## Seattle Democracy Voucher Primary & General Election

NO CASH VALUE • NON-TRANSFERABLE  
 <<EXPIRATION DATE>>

\$25

I am assigning this voucher to the qualified candidate printed here:

**Candidate Name:**

I attest that I obtained this Democracy Voucher properly and make this assignment freely and not in exchange for payment of any kind. I am aware that assignment may not be changed and there is no guarantee of availability of funds. Assignment is complete upon delivery to the Seattle Ethics and Elections Commission, the candidate, or her or his registered representative. Vouchers may only be assigned to qualified candidates.

**Signature:**

**Date:**

**Find a participating candidate at [www.seattle.gov/democracvoucher](http://www.seattle.gov/democracvoucher)**

((\$25	1 of 4	Democracy Voucher for 20xx Election	Jane Q. Public
On [insert date] _____ / _____ / _____, 20xx, I, Jane Q. Public, a resident of the City of Seattle, assigned this Democracy Voucher to a candidate for mayor, city attorney or city council named _____.			
I attest that I obtained this Democracy Voucher properly and make this assignment freely, voluntarily and without duress or in exchange for any payment of any kind for this assignment, and not for any consideration of any kind, and that I am aware that assignment does not guarantee availability of funds and is irrevocable. Assignment is complete upon delivery to Seattle Ethics and Elections Commission, the named candidate, or her or his registered representative. Sale/transfer for consideration of this Democracy Voucher is strictly prohibited. Voucher may be redeemed only by qualifying candidates and only if such candidate has complied with additional contributions and spending limits and if funds are available.			

Signed: _____ on _____, 20xx.		
Jane Q. Public	voter ID and bar code	Voucher ID #123,456,789

(d) Assignment of Democracy Vouchers. Vouchers))

**2.04.624 Democracy voucher assignment, delivery, and receipt**

A. Democracy vouchers are only transferable or assignable as stated (~~herein~~) in this Section 2.04.624.

Any person properly obtaining and holding a (~~Democracy Voucher~~) democracy voucher may assign it by: (~~writing the name of the assignee candidate, and~~) signing the holder's name (~~on~~) and dating the (~~Voucher~~) democracy voucher where indicated thereon(~~(s)~~) ; and delivering the signed and dated (~~Voucher~~) democracy voucher to the candidate, or to (~~SEEC~~) the Commission, or to any candidate's representative who shall be registered for this purpose with (~~SEEC~~) the Commission. Delivery may be by mail, in person (by any person the holder requests to deliver the voucher), or electronically via a secure (~~SEEC~~) Commission online system, or, with the agreement of King County, through ballot drop boxes when in use. (~~SEEC~~) The Commission shall establish a secure online system for delivery of (~~Democracy Vouchers~~) democracy vouchers (without prejudice to any eligible person's (~~right~~) option to receive (~~Democracy Vouchers~~) democracy vouchers in the mail (~~at his or her option no later than~~)) prior to the 2017 election cycle, unless (~~SEEC~~) the Commission determines this target date is not practicable; and in any event no later than the 2019 election cycle. The Commission also shall determine how it shall receive properly assigned vouchers that were not directly delivered to it.

~~((e) Limitations on Assignment.))~~ B. A person may only assign a (~~Voucher~~) democracy voucher to a candidate who has chosen to participate in the (~~Seattle Democracy Voucher~~) Program and who has filed a signed (~~statement of participation and~~) pledge with (~~SEEC~~) the Commission as described (~~below~~) in this Subchapter VIII.

C. No ~~((Democracy Voucher))~~ democracy voucher may be assigned after the last business day in November following the election, or to any candidate filing for participation who then fails to qualify or becomes unqualified for the position sought or for the Program. A candidate or registered candidate representative may seek assignment in person or through representatives or by assisting a voter to access the ~~((SEEC))~~ the Commission secure online system. A valid assignment is irrevocable.

D. A person may assign any number of ~~((his or her Democracy Vouchers))~~ the person's democracy vouchers to the same candidate in a given year.

E. Assignment or transfer for cash or any consideration is prohibited. Offering to purchase, buy, or sell a ~~((Democracy Voucher))~~ democracy voucher is prohibited. No person may give or gift a ~~((Democracy Voucher))~~ democracy voucher to another person, except by assigning it to a candidate as provided herein. ~~((Democracy Vouchers))~~ Democracy vouchers have no cash value and are not assets, income, or property of the holder. A ~~((Democracy Voucher))~~ democracy voucher may not be assigned by proxy, power of attorney, or ~~((by))~~ an agent.

~~((f) Assignor Assumes Certain Risks.))~~ F. A ~~((Democracy Voucher))~~ democracy voucher expires if the holder is no longer a resident ~~((in the City))~~ of Seattle, or no longer or not eligible to make political contributions under federal law, if such circumstances take place prior to ~~((the assignment to a qualified candidate))~~ receipt of the voucher by the Commission. The holder of a ~~((Democracy Voucher))~~ democracy voucher assumes the risk that ~~((he or she))~~ the holder may wish to change ~~((his or her mind after))~~ the assignment, or that the ~~((Democracy Voucher))~~ democracy voucher may not ~~((have use or))~~ be redeemed due to any contingency, including but not limited to: unavailability of Program funds; the assignee candidate reaching the ~~(("Campaign Spending Limit" (described and defined below)))~~ maximum campaign valuation under subsection 2.04.630.B; a candidate's death, disqualification, dropping out, or failure to redeem or use the ~~((Democracy Voucher))~~ democracy voucher; and a candidate's not qualifying or violating the terms of qualification~~((; or otherwise))~~.

**2.04.630 ~~((Candidates to Qualify By Showing Grass Roots Support and Agreeing to New Campaign and~~**



~~Contribution Limits; Redemption of Democracy Vouchers; New Limits on Use of Funds.)~~ **Candidate qualification**

~~((a) Only Qualified Candidates Redeem Democracy Vouchers.)~~ A. Only a candidate who has filed with ~~((SEEC))~~ the Commission for participation in the ~~((Seattle Democracy Voucher))~~ Program may receive assignment of a ~~((Democracy Voucher))~~ democracy voucher. Only a candidate certified as qualified by ~~((SEEC))~~ the Commission may redeem a ~~((Democracy Voucher))~~ democracy voucher. Only a person eligible for and seeking the office of Mayor, City Attorney, or City Council shall be eligible to file for Program participation.

~~((b) Requirements for Program.)~~ B. To seek qualification, the candidate shall file with ~~((SEEC))~~ the Commission, on or after July 1~~((st))~~ the year before ~~((an))~~ a municipal election year and within two weeks after filing a declaration of candidacy, a ~~((sworn statement))~~ pledge attesting to ~~((his or her))~~ the candidate's intent to participate, asserting that the candidate shall timely file or has filed a declaration of candidacy for the office indicated, and that the candidate shall comply with ~~((Program requirements and))~~ applicable campaign laws ~~((Such Program requirements are that the candidate shall take))~~ and the following:

1. Taking part in at least three ~~((public))~~ debates (as defined by the Commission) or similar public events for primary and general elections each ~~((as defined by SEEC, and SEEC may waive or reduce the number of debates, if a qualifying candidate makes all reasonable efforts to participate in debates and similar public events); shall comply with campaign laws and spending and contribution limits; and, the candidate shall not))~~ (although the Commission may waive or reduce this requirement for good cause);

2. Not knowingly soliciting money for or on behalf of any political action committee, political party, or any organization that will make an independent expenditure for or against any City ~~((of Seattle))~~ candidate within the same election cycle (for the purposes of this subsection 2.04.630.B.2, appearing as a featured speaker at a fundraising event for a committee or entity ~~((shall))~~ constitutes soliciting money) ~~((for such committee or entity). Further Program requirements are that a candidate for Mayor shall not))~~ ; and

3. Not soliciting or accepting total contributions from any individual or entity in excess of ~~((a~~

~~total of~~) \$500 for Mayoral candidates or \$250 for City Attorney or City Council candidates during one election cycle(~~, and a candidate for City Attorney or City Council shall not solicit or accept total contributions from any individual or entity in excess of a total of \$250 during one election cycle~~), including any contribution used to qualify for ~~((Democracy Vouchers))~~ democracy vouchers, but excluding the value of ~~((Democracy Vouchers))~~ democracy vouchers assigned to such candidate~~((s))~~ (subject to exceptions provided ~~((herein))~~ in this Subchapter VIII).

~~((e) Qualifying Contributions.)~~ C. To qualify for the ~~((Democracy Voucher))~~ Program, candidates shall show they have received at least the following numbers of ~~((Qualifying Contributions))~~ signatures and qualifying contributions of at least \$10 but not more than the Program contribution limit for the office sought provided in ~~((SMC))~~ subsection 2.04.630~~((b)).B~~ from ~~((individual adults (18 years of age or older), who are human natural persons residing in the City of Seattle, and))~~ adult Seattle residents eligible under federal law to make political contributions: Mayoral candidates, ~~((at least))~~ 600; City Attorney candidates, ~~((at least 150))~~ 400; at-large City Council candidates, ~~((at least))~~ 400; and district City Council candidates, ~~((at least))~~ 150 (of which at least 75 shall be from individuals residing in ~~((the))~~ that district ~~((sought to be represented by the candidate))~~). Signatures and contributions may come from different residents. ~~((SEEC))~~ The Commission shall maintain a list of qualified candidates and make it readily accessible to the public, including by publishing it on ~~((SEEC's))~~ the Commission's website.

D. A candidate loses qualification for the Program by publicly withdrawing or otherwise abandoning the race, failing to advance to the general election, or the Commission finding sufficient material violations of election laws or Program requirements, such as violation of campaign valuation or contribution limit laws, or fraudulent or attempted fraudulent assignment of democracy vouchers.

#### **2.04.632 Democracy voucher redemption**

A. After receiving a democracy voucher pursuant to subsection 2.04.624.A, the Commission shall disburse the value of the voucher proceeds only:

1. If redemption shall not put the candidate over the maximum campaign valuation;
2. If Program funds are available;
3. After verifying the democracy voucher was received from an eligible person; and
4. After verifying the democracy voucher signature. To verify signatures, the Commission may

contract with King County Elections.

B. The Commission shall redeem democracy vouchers on regular redemption dates no less than twice a month.

C. A candidate may collect democracy vouchers for the general election before the primary election takes place and allocate democracy vouchers to the general election without such vouchers counting against the maximum campaign valuation for the primary election. A qualified candidate may not redeem democracy vouchers for the general election unless that candidate advances to the general election.

D. The Commission shall not redeem any democracy voucher it receives from a candidate that does not advance to the general election after the first business day in the month of September. The Commission shall not redeem any democracy voucher it receives from a general election candidate after the first business day in the month of December.

~~((d) Campaign Spending Limit. Participating candidates shall comply with all campaign laws and not exceed the following "Campaign Spending Limits" (defined as (i) money spent to date (equal to prior expenditures, plus debts and obligations), and the value of any in kind donations reported, plus (ii) cash on hand and (iii) the value of unredeemed Vouchers on hand which the candidate shall have allocated to the primary or general election:) Mayor \$400,000 for the primary election, and \$800,000 total (for both primary and general election); City Attorney, \$75,000 for the primary election, and \$150,000 total; at large City Council, \$150,000 for the primary election, and \$300,000 total; district City Council, \$75,000 for the primary election and \$150,000 total.~~

~~(e) Further Limits on Redemption. A qualified candidate may collect Democracy Vouchers for the~~

~~general election before the primary election takes place and allocate same to the general election without such Vouchers counting against the Campaign Spending Limit for the primary election, but may not redeem Vouchers for the general election unless such candidate advances to the general election.~~

~~(f) Remedies for Exceeding Campaign Spending Limit. If a qualified candidate demonstrates to SEEC that he or she has an opponent (whether or not participating in the Program) whose campaign spending has exceeded the Campaign Spending Limit for the position sought as indicated above, where SEEC deems the excess material, it shall allow such candidate to choose to be released from the Campaign Spending Limit and campaign contribution limits for the Program, in which case SEEC shall allow such candidate to redeem his or her Democracy Vouchers received thereto or thereafter up to the amount of the Campaign Spending Limit only, then allow such candidate to engage in campaign fundraising without regard to any Program requirements. SEEC shall also release a qualifying candidate from the Campaign Spending Limit to the extent that it is shown (on application of a Seattle candidate or citizen) that said qualified candidate faces independent expenditures as defined in SMC 2.04.010 adverse to the candidate or in favor of an opponent and the sum of such independent expenditures plus said candidate's opponent's campaign spending materially exceeds the Campaign Spending Limit for that office.~~

~~(g) Loss of Qualification. A candidate loses qualification for the Program by publicly announcing withdrawal, abandoning the race, failing to advance to the general election, or if SEEC finds sufficient material violations of election laws or Program requirements such as violation of spending or contribution limits, or fraudulent or attempted fraudulent assignment of Democracy Vouchers.~~

~~(h) Redemption of Vouchers. SEEC shall redeem Democracy Vouchers only after verifying the assignment by ensuring the Voucher was issued to an eligible person, and verifying the signature written in the words of assignment, and only if redemption shall not put the candidate over the Campaign Spending Limit and only if Program funds are available. To verify signatures SEEC may employ the division of King County Records and Elections which verifies signatures for initiative petitions or mail-in ballots. SEEC shall redeem~~

~~Democracy Vouchers on published regular redemption dates that shall be no less frequent than twice a month and may redeem Vouchers on other dates notified in advance if SEEC deems it practicable. SEEC shall not redeem any Democracy Voucher received by SEEC after the first business day in the month of December after the general election.~~

~~(i) Limits on Use of Voucher Proceeds.))~~

**2.04.634 Campaign valuations, releases, and use of proceeds**

A. Participating candidates shall comply with all campaign laws and not exceed the corresponding maximum campaign valuation. A campaign valuation is:

1. The value of unredeemed democracy vouchers assigned to the candidate that the candidate may redeem without exceeding the maximum in Table A for 2.04.634; plus

2. The greater of:

a. Total contributions received; and

b. Money spent to date (equal to prior expenditures, plus debts and obligations).

The figures in Table A for 2.04.634 are the maximum campaign valuations for participating candidates and the campaign valuations for releases under subsection 2.04.634.B.

<b>Table A for 2.04.634 Campaign valuations</b>		
<b>Position</b>	<b>Primary election (\$)</b>	<b>Total for primary and general elections (\$)</b>
Mayor	400,000	800,000
At-large City Councilmember	150,000	300,000
District City Councilmember	75,000	150,000
City Attorney	150,000	300,000

B. A qualified candidate may demonstrate to the Commission that an opponent’s campaign valuation, or the sum of an opponent’s campaign valuation and independent expenditures either adverse to the candidate or in favor of at least one opponent, is higher than the relevant figure in Table A for 2.04.634. If the Commission does not find the excess valuation inadvertent and minor, the Commission shall allow the candidate to be

released from the maximum campaign valuation. If the demonstration does not involve independent expenditures, the Commission also shall allow the candidate to be released from the campaign contribution limit. The Commission shall allow the released candidate to redeem democracy vouchers up to an amount that does not bring the campaign valuation above the maximum; after redemption, the candidate may engage in campaign fundraising without regard to anything in this subsection 2.04.634.B from which the candidate has been released.

C. Candidates ~~((shall))~~ may use ~~((Democracy Voucher))~~ democracy voucher proceeds only for campaign costs or debts for the relevant office and election cycle, and may not use such proceeds after a reasonable period (to be set by ~~((SEEC))~~ the Commission) following the election to pay campaign debts. Candidates shall not use ~~((Democracy Voucher))~~ democracy voucher proceeds:

1. ~~((for))~~ For any cash payments ~~((or))~~ ;
2. ~~((in))~~ In violation of any law; ~~((nor))~~
3. ~~((to))~~ To pay the candidate (except to repay or reimburse a loan to ~~((his or her))~~ the candidate's political committee or campaign in an amount not greater than that provided in RCW 42.17A.445 (3) or WAC 390-05-400 ~~((or))~~ ;
4. To pay a member of the candidate's immediate family as defined in ~~((RCW))~~ Section 4.16.030;
5. To pay any entity in which the candidate or an immediate family member holds a ten percent or greater ownership interest;
6. To pay any amount over fair market value for any services, goods, facilities, or things of value;
7. To pay any penalty or fine; ~~((or))~~
8. To pay any inaugural costs; or
9. To pay any office funds costs.

~~((j) Return of Democracy Voucher Proceeds.))~~ E. A candidate who has redeemed a ~~((Democracy Voucher,))~~ democracy voucher and then withdraws, dies, becomes ineligible, loses qualification, ~~((or))~~ is eliminated in any primary or general election, or wins a general election, shall within a reasonable period, as defined by ~~((SEEC))~~ the Commission, pay all debts and obligations, account to ~~((SEEC))~~ the Commission, and restore to ~~((SEEC))~~ the Commission and the Program ~~(("Unspent Democracy Voucher Proceeds." SEEC shall define "Unspent Democracy Voucher Proceeds" by rule.))~~ unspent democracy voucher proceeds, which the Commission shall define by rule.

#### 2.04.658 Transparency~~((r))~~

A. Assigning a ~~((Democracy Voucher))~~ democracy voucher is a public act ~~((and recipients))~~ . Recipients of ((Democracy Vouchers)) democracy vouchers shall expect the same to be public and made public and shall have no expectation of privacy in registering to obtain ~~((Democracy Vouchers))~~ , or in assigning ~~((same))~~ , democracy vouchers. All ~~((Democracy Voucher))~~ democracy voucher holders are on notice that the process is public and transparent, except that ~~((SEEC))~~ the Commission shall not publish mail, email, or other addresses to which ~~((Democracy Vouchers))~~ democracy vouchers are sent, unless required by chapter 42.56 RCW, or other applicable law.

B. ~~((SEEC))~~ The Commission shall make transparent, at its offices and on its website, all assignments and redemptions of ~~((Democracy Vouchers))~~ democracy vouchers, including recipient name, ~~((Democracy Voucher))~~ democracy voucher identification number ~~((and suffix))~~, date assigned, to whom assigned, and when redeemed ~~((and amount redeemed))~~. ~~((SEEC))~~ The Commission shall provide other necessary means to make the ~~((Seattle Democracy Voucher))~~ democracy voucher process and Program open and transparent so that each ~~((Democracy Voucher))~~ democracy voucher recipient and the media and public ~~((may))~~ can track assignments of ~~((Democracy Vouchers to assist in exposing any potential forgery, fraud, or misconduct regarding same))~~ democracy vouchers.

C. If a ~~((Democracy Voucher))~~ democracy voucher recipient believes ~~((that his or her Democracy~~

~~Voucher~~) the recipient's democracy voucher was lost, stolen, or fraudulently or improperly assigned or redeemed, ~~((SEEC shall))~~ the Commission may require a notarized declaration or affidavit or ~~((additional process in its judgment))~~ other process to find the relevant facts ~~((then))~~ and provide relief it deems appropriate, including Democracy Voucher replacement, cancellation of assignment, or reimbursement of any improperly obtained Program funds.

D. ~~((SEEC))~~ The Commission shall promulgate rules and regulations ~~((for such proceedings and cases where it receives))~~ regarding its receipt of duplicate ~~((copies of the same Democracy Voucher))~~ democracy vouchers and shall ensure that a process exists for any ~~((Democracy Voucher))~~ democracy voucher recipient ~~((may))~~ to attempt to show, without any filing fee or charge, the facts of loss, theft, destruction, ~~((or))~~ forgery of, ~~((or))~~ duress in, or other improper acts concerning or in the assignment of the ~~((Democracy Voucher))~~ democracy voucher. Such process shall at minimum include procedures to submit information through mails or in person ~~((and shall include an online process when and if SEEC develops same. SEEC shall also provide forms, and for in-person procedures, a notary at SEEC offices during normal business hours for this purpose, without charge))~~.

E. In all cases, no ~~((Democracy Voucher))~~ democracy voucher assignment shall be deemed invalid or revocable ~~((simply because the assignor changes opinion or changes his or her mind, gets new information from or about any candidate or campaign, or based on any allegation of misstatement or misinformation by any candidate or any person, or any other source, or for any reason other than))~~ unless for reason of being a duplicate voucher or forgery, threats, coercion, or physical duress, shown by clear and convincing evidence. ~~((SEEC))~~ The Commission shall issue regulations providing remedies and consequences for such acts, which may include, for sufficient material violation of Program requirements, campaign laws, or any acts of intentional forgery, threats, duress, or coercion in obtaining assigned ~~((Democracy Vouchers))~~ democracy vouchers, an order requiring a candidate to return to the Program any proceeds of ~~((Democracy Vouchers))~~ democracy vouchers or disqualifying a candidate from the Program.



**2.04.690 (~~(Transition; SEEC)~~) Administration (~~(Authority; Penalties; Crimes; Severability.)~~)**

~~((a) Transition. To allow accumulation of Program funds, in the 2017 election only and notwithstanding other provisions of this subchapter, no Mayoral candidate shall be eligible to participate in the Program or receive or redeem Democracy Vouchers.~~

~~((b) SEEC to administer. SEEC)~~ A. The Commission shall implement and administer the Program, Program funds, and provisions in this ~~((subchapter))~~ Subchapter VIII, including issuing and promulgating appropriate regulations, forms, rules, information packets, procedures, and enforcement mechanisms. ~~((SEEC))~~ The Commission shall through rule-making carry out the provisions of this ~~((subchapter))~~ Subchapter VIII, including but not limited to making regulations, defining terms, establishing other rules, or promulgating any other administrative regulations or guidelines not inconsistent with the provisions of this ~~((subchapter))~~ Subchapter VIII.

B. Anything ~~((herein))~~ in this Subchapter VIII said to be done by ~~((SEEC))~~ the Commission, other than ~~((such))~~ rule-making, ~~((shall))~~ may be done by its Executive Director or another person indicated in ~~((SEEC))~~ Commission regulations or a duly approved printer or contractor.

C. Prior to ~~((each election cycle, SEEC))~~ distributing democracy vouchers, the Commission shall inform the public about ~~((Democracy Vouchers))~~ democracy vouchers and the Program. ~~((SEEC))~~ The Commission shall publish appropriate guidebooks for candidates and ~~((Democracy Voucher))~~ democracy vouchers recipients, and all forms, instructions, brochures and documents necessary and proper for ~~((this))~~ the Program, which shall include key documents accessible to those with visual or other disability, and translations into languages other than English spoken by a significant number of Seattle residents, ~~((which shall be))~~ presumed initially to include Spanish, Vietnamese, Cantonese, Mandarin, Somali, Tagalog, Korean, Cambodian, Amharic, Oromo, Tigrinya, Laotian, Thai, and Russian.

D. Prior to each election cycle, ~~((SEEC))~~ the Commission may reasonably adjust the ~~((Campaign Spending Limits))~~ maximum campaign valuations, the dollar amounts for and numbers of qualifying

contributions, the contribution limits per contributor provided in ~~((SMC 2.04.630(b)))~~ subsection 2.04.630.B (but ~~((SEEC))~~ the Commission shall not set a contribution limit for qualifying candidates that exceeds the contribution limit specified for candidates in ~~((SMC))~~ Section 2.04.370, or the number or value of ~~((Democracy Vouchers))~~ democracy vouchers provided to each eligible person, ~~((in order))~~ to account for inflation or deflation, and ensure the goals and purposes of the Program including democracy and accountability, high rates of candidate participation, heavy utilization of vouchers by those who have not previously donated to Seattle political campaigns, and high public satisfaction with the Program.

E. After each election cycle, ~~((SEEC))~~ the Commission shall review the Program and submit reports to the public and the City Council. ~~((Promptly after the effective date of this measure, SEEC))~~ the Commission shall project Program revenue, expenditures, and ~~((Democracy Voucher))~~ Program Funds ~~((("Program Funds"))~~ ) balances from 2016 through at least 2021, and shall revise and update such projections regularly, and at all times shall manage Program Funds as a fiduciary, ensuring proper accumulation and distribution of funds, during nonelection and election years, to achieve Program purposes and goals. In making such projections and administering this Program, ~~((SEEC))~~ the Commission shall consider all relevant circumstances, including differing ~~((Campaign Spending Limits))~~ maximum campaign valuations for different offices, differing funding needs in mayoral and non-mayoral election years, and the need to manage the Program and funds to seek ~~((to ensure))~~ participation by candidates.

F. ~~((SEEC before))~~ By January 1 ~~((st))~~ of each municipal election year, the Commission shall manage and prudently conserve Program ~~((Funds,))~~ funds by considering and projecting Program ~~((Funds))~~ funds availability and disbursements for that year and by publicizing such projections, which shall include and consider needs of participating candidates, needs for conservation of funds for future years or reserve accumulation, prudent operating and administration cost ~~((and cost of administration))~~, and prudent conservation of public resources.

G. By January 1 of each municipal election year, ~~((To))~~ to assure candidates that ample funds will be

available for ~~((Voucher))~~ democracy voucher redemptions and to assure the public that ~~((Voucher))~~ democracy voucher fund redemptions will be prudently managed~~((, by January 1st of each municipal election year, SEEC))~~ the Commission shall set and publish an "Available Program Funds Limit" for that year for ~~((Voucher))~~ democracy voucher redemptions. In setting the Available Program Funds Limit, ~~((SEEC shall use its best efforts))~~ the Commission shall work to reasonably project and ensure that adequate Program ~~((Funds))~~ funds are available for that election year consistent with this ~~((subchapter,))~~ Subchapter VIII and its goals and purposes ~~((and all reasonably foreseeable circumstances and contingencies))~~ and shall set aside at least an amount needed for six primary and two general election candidates for each position in that year's election to qualify and spend their ~~((respective Campaign Spending Limit))~~ maximum campaign valuation amounts using ~~((Democracy Vouchers))~~ democracy vouchers only (rather than private contributions, except for private contributions used to qualify).

H. During any municipal election year, as soon as ~~((SEEC))~~ the Commission receives or reasonably believes it shall receive ~~((Democracy Vouchers))~~ democracy vouchers for redemption in excess of the Available Program Funds Limit for that year, then Program ~~((Funds))~~ funds shall be deemed unavailable, and ~~((SEEC))~~ the Commission shall publicly announce the same and set a prompt deadline date for ~~((Democracy Voucher))~~ democracy voucher delivery~~((, following which SEEC))~~ . After the deadline, the Commission, ~~((shall))~~ considering ~~((Democracy Vouchers))~~ democracy vouchers received and available Program ~~((Funds and))~~ funds, shall allocate remaining available Program ~~((Funds))~~ funds proportionately per unredeemed verified ~~((Democracy Vouchers))~~ democracy vouchers on hand, pro rata among all participating candidates for all offices without discrimination.

I. If any special election is called, ~~((SEEC))~~ the Commission shall set aside Program Funds for such election in an amount it deems appropriate~~((, and shall be empowered to act and))~~ . The Commission may ~~((change, alter, or modify or set and implement))~~ set, implement, or modify standards, procedures, limits, and deadlines ~~((as))~~ similar ~~((as may be practicable))~~ to those ~~((provided))~~ in this ~~((subchapter))~~ Subchapter VIII as

~~((SEEC))~~ the Commission deems proper and necessary for such special election, taking care to not unduly prejudice accumulation of Program funds ~~((for the Program))~~.

#### **2.04.692 Authority to issue penalties**

~~((c) Penalties.))~~ A. No penalty provision in this ~~((subchapter))~~ Subchapter VIII shall diminish any other penalty or remedy under any other law. ~~((Participating candidates who make expenditures in excess of the Campaign Spending Limit shall be subject to a civil penalty of twice the amount of the expenditure in excess of such limit, unless SEEC determines that the overspending is insignificant or trivial.))~~

B. All enforcement, administrative and other powers, procedures, rights, duties, remedies, process, civil penalties and other provisions in ~~((SMC))~~ Section 2.04.060, 2.04.070, 2.04.075, 2.04.090, 2.04.500, 2.04.510, 2.04.520, 2.16.010, and 2.16.020~~((s))~~ relating to violations of election campaign contributions laws or initiative laws~~((s))~~ shall apply ~~((in case of))~~ to violations of this ~~((subchapter, and all))~~ Subchapter VIII.

C. Participating candidates who make expenditures in excess of the maximum campaign valuation shall be subject to a civil penalty of twice the excess, unless the Commission finds that the overspending is inadvertent and minor.

D. All penalties, remedies, or consequences applicable to violations of ~~((SMC))~~ Chapter 2.04 or 2.06 shall ~~((be applicable for any violation))~~ apply to violations of this ~~((subchapter))~~ Subchapter VIII, including but not limited to an order requiring the party to take particular action in order to comply with the law~~((s))~~ and/or ~~((in addition, or alternatively,))~~ sanctions up to \$5,000 for each violation.

#### **2.04.694 Crimes**

~~((d) Crimes.))~~ A. A person is guilty of trafficking in a ~~((Democracy Voucher))~~ democracy voucher if the person knowingly purchases, buys, ~~((or))~~ sells, pays consideration for, ~~((any Democracy Voucher or knowingly))~~ sells, conveys for consideration, or receives consideration for any ~~((Democracy Voucher;))~~ democracy voucher or attempts ~~((same))~~ to do so.

B. A person is guilty of theft of a ~~((Democracy Voucher))~~ democracy voucher if ~~((he or she steals~~

~~(defined as when one)~~ the person knowingly obtains or exerts unauthorized control over, with intent to deprive the proper holder or recipient thereof ~~(or attempts to steal,)~~ a ~~((Democracy Voucher))~~ democracy voucher or attempts to do so.

C. A person is guilty of the crime of forgery of a ~~((Democracy Voucher))~~ democracy voucher if, with intent to injure or defraud, ~~((he or she))~~ the person attempts to falsely make, complete, or alter a ~~((Democracy Voucher))~~ democracy voucher or its assignment or possess, utter, offer, dispose of, or put off as true a ~~((Democracy Voucher))~~ democracy voucher or written assigned ~~((Democracy Voucher))~~ democracy voucher that ~~((he or she))~~ the person knows is forged. For purposes of this ~~((section))~~ subsection 2.04.694.C,

1. "Falsely make" means to make or draw a complete or incomplete democracy voucher that purports to be authentic but is not authentic, either because the ostensible maker is fictitious or because, if real, the person did not authorize the making or drawing or signing thereof;

2. "Falsely complete" means to complete a democracy voucher assignment by adding or inserting matter, including but not limited to a forged signature, without the authority of the person entitled to assign the democracy voucher; and

3. "~~((falsely))~~ Falsely alter" means to change a democracy voucher, without authorization by the holder or recipient of the ~~((Voucher))~~ democracy voucher entitled to grant it, ~~((a Democracy Voucher))~~ by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner ~~((; to "falsely complete" means to make a Democracy Voucher assignment complete by adding or inserting matter, including but not limited to a forged signature, without the authority of the person entitled to assign the Voucher; to "falsely make" means to make or draw a complete or incomplete Democracy Voucher which purports to be authentic, but which is not authentic either because the ostensible maker is fictitious or because, if real, he or she did not authorize the making or drawing or signing thereof; and "forged" or "forgery" means a Democracy Voucher which has been falsely made, completed, or altered)).~~

D. A person is guilty of possession of a stolen ~~((Democracy Voucher))~~ democracy voucher if ~~((he, she~~

~~or it,))~~ the person, being other than the recipient of a proper assignment of a ~~((Democracy Voucher))~~ democracy voucher, knowingly receives, retains, possesses, conceals, or disposes of another's ~~((Democracy Voucher))~~ democracy voucher knowing that it has been stolen and withholds or appropriates ~~((the same))~~ that democracy voucher to the use of any person other than the true owner or person entitled thereto.

E. A person is guilty of trafficking in a stolen ~~((Democracy Voucher))~~ democracy voucher if the person attempts to traffic in a stolen ~~((Democracy Voucher))~~ democracy voucher, meaning to sell, transfer, distribute, dispense, or otherwise dispose of such stolen ~~((Democracy Voucher pertaining))~~ democracy voucher rightfully belonging to another person, or to buy, receive, possess, or obtain control of ~~((same))~~ a democracy voucher with intent to sell, transfer, distribute, dispense, or otherwise dispose of the ~~((property))~~ democracy voucher to another person.

F. A person is guilty of falsifying qualification information if the person knowingly provides false information to the Commission regarding any element of qualifying for the Program, including but not limited to information provided regarding qualifying contributors or number of qualifying contributions under subsection 2.04.630.C.

~~((The crimes of trafficking in a Democracy Voucher, theft or forgery of a Democracy Voucher, possession of a stolen Democracy Voucher, or trafficking in a stolen Democracy Voucher, are each))~~ G. A crime in this Section 2.04.694 is a gross misdemeanor punishable by a fine not to exceed \$5,000 or ~~((, by))~~ imprisonment for a term of up to 364 days, or both, or as otherwise provided by State law.

H. In this ~~((subsection))~~ Section 2.04.694 the term "person~~((;))~~" ("~~he,~~" "~~she~~" or "~~actor~~") includes any natural person, ~~((and, in addition,))~~ a corporation, a joint stock association, an unincorporated association ~~((or))~~ , and a political committee.

I. In cases of all crimes defined by this ~~((subsection))~~ Section 2.04.694, the Court may also require restitution to the Program of all costs of prosecution, including attorneys' fees, as well as any amounts misappropriated, or the face value of Democracy Vouchers misused ~~((and in))~~ . In cases of crimes by a

candidate or political committee, the Court also may require return of all funds received from the Program in that election cycle consistent with equity, due process, and proportional justice, and/or may disqualify ~~((such))~~ the political committee or candidate from participating in the Program for that election cycle.

~~(((e) Severability and captions.))~~ **2.04.696 Severability and captions**

Provisions of this ~~((subchapter))~~ Subchapter VIII and its sections are separate and severable. The invalidity of any part, or its application to any circumstance, shall not affect the validity of other parts or application to other circumstances. Captions provided are not substantive. ~~((The City Clerk may renumber or reformat this subchapter, this ordinance or these sections, for proper codification in the Seattle Municipal Code, without changing the substance.))~~

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Monica Martinez Simmons, City Clerk

(Seal)