



## Legislation Text

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**File #:** 2008-0147, **Version:** 1

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AN ORDINANCE establishing November 4, 2008, as the date for an election on the question of using local public matching funds to finance the campaigns for the offices of the King County executive, prosecutor, sheriff, assessor, county council, district court judges and superior court judges.

### STATEMENT OF FACTS:

1. Nearly twenty years ago, King County voters approved a charter amendment to implement an innovative program that matched private campaign funds with public money, when candidates agreed to limit campaign spending, in order to reduce the influence of special interests in elections.
2. Subsequent changes in state law eliminated local programs that provided public funding for political campaigns of elected offices.
3. RCW 42.17.128, amended in the 2008 legislative session, provides that "A county, city, town, or district that establishes a program to publicly finance local political campaigns may only use funds derived from local sources to fund the program."
4. RCW 42.17.128 provides further that "A local government must submit any proposal for public financing of local political campaigns to voters for their adoption and approval or rejection."
5. It is in the public interest to encourage the widest participation of the public in the electoral process and to reduce the dependence of candidates on large contributions.
6. Public matching funds for campaign purposes are necessary for voluntary expenditure

limitations to be successful and voluntary programs are the only limitations constitutionally permissible.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There shall be submitted to the qualified voters of King County the proposition as set forth in section 1 of this ordinance. The clerk of the council is hereby authorized and directed to transmit the proposition to the manager of the elections division in substantially the following form, with such additions, deletions or modifications in the ballot title as may be required for the proposition described in sections 2 through 11 of this ordinance below by the King County prosecutor:

PROPOSITION 1: The King County Council has passed Ordinance No. \_\_\_\_\_ concerning the use of public matching funds to finance local campaigns. If this proposition is approved, local public matching funds will be available to candidates for local elective office who have met specific requirements and signed a contract agreeing to limitations on candidate contributions, expenditures and use of contributions, all as further described in Ordinance No. \_\_\_\_\_. Should this proposition be approved?

YES [  ]

NO [  ]

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A. Effective with elections for county offices in 2009, a candidate for executive, prosecutor, sheriff, assessor, county council, district court judge and superior court judge may sign a contract with the county agreeing to abide by limitations on candidates' contributions, limitations on campaign expenditures and limitations on the use of all contributions as specified in this chapter in exchange for local public matching funds.

B. The campaign contract must be signed by the individual candidate either within thirty days after the individual becomes a candidate as defined in R.C.W. 42.17.020, or at the time of filing for office, whichever is

earlier.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A candidate who signs a campaign contract shall make no contribution to the candidate's own campaign or political committee that in the aggregate exceeds ten percent of the applicable expenditure limit in any election cycle.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A. A candidate for county council who signs a campaign contract in accordance with section 3 of this ordinance shall not, during the election cycle, make expenditures exceeding the aggregate amount of the annual salary of the office that the candidate is seeking, calculated for the year of the election.

B. A candidate for executive, prosecutor, sheriff, assessor, district court judge, superior court judge and any other elective county office designated by the county council by ordinance who signs a campaign contract in accordance with section 3 of this ordinance shall not, during the election cycle, make expenditures exceeding three times the aggregate amount of the annual salary of the office which the candidate is seeking.

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

NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A. To be eligible to receive local public matching funds, a candidate for executive, prosecutor, sheriff, assessor, county council, district court judge and superior court judge must meet the legal requirements of the office as established by statute or the county charter and:

1. For the offices of executive, prosecutor, sheriff, district court judge and superior court judge:
  - a. Receive five hundred contributions of ten dollars or more during the campaign cycle, and

b. be opposed by a candidate who has qualified for local public matching funds or who has raised, spent or has cash on hand of forty-five thousand dollars or more; or

2. For the office of county council:

a. receive two hundred contributions of ten dollars or more during the campaign cycle; and

b. be opposed by a candidate who has qualified for local public matching funds or who has raised, spent or has cash on hand of ten thousand dollars or more.

B. For the purposes of establishing eligibility under this section, only those contributions received from residents of King County shall be counted toward the requirement.

C. Candidates must submit evidence of meeting the eligibility requirements of this section to the manager of the elections division for verification. Upon verification of eligibility, a candidate who has signed a campaign contract shall be eligible to receive local public matching funds: provided that any candidate who receives local public matching funds and later fails to file for public office or withdraws his or her candidacy after filing, shall return to the appropriate county account and all unexpended campaign funds up to the amount of the matching public funds disbursed to that candidate.

SECTION 6. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A. Effective with the elections for county offices in 2009, a candidate who met the eligibility requirements for local public matching funds and who signed a campaign contract shall be entitled to receive one dollar in local public matching funds for every one dollar received from any resident of King County during the campaign cycle to a maximum public match of fifty dollars per individual contributor. Neither loans nor the transfers of anything of value other than money to the candidate or the candidate's other political committee shall be matched with local public funds.

B. A candidate who signs a contract and who otherwise is eligible to receive local public matching funds shall be eligible until it is determined that the candidate has no opponent at the close of the filing period until or after the primary election as provided by law. For purposes of this section, a write-in candidate is not

considered an opponent.

C. If, following the election wherein the candidate is elected or defeated, the candidate has unexpended campaign funds, one-half of the surplus funds but not exceeding the amount of local public matching funds received, shall be returned to the appropriate county account within ten days of certification of the election.

D. A candidate who signed a campaign contract may void the candidate's contract within fifteen days after the close of filing, but only if:

1. An opponent of that candidate does not enter into a campaign contract in under this chapter; and
2. The candidate returns all local public matching funds received in accordance with this chapter.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

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

B. Candidates entitled to local public matching funds shall be paid upon submission of vouchers which shall be approved by the manager of the elections division.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

Local public matching funds may be expended only for the receiving candidate's direct campaign purposes including but not limited to, purchasing campaign literature or media space or time, mailings, renting campaign headquarters, or paying for campaign headquarters' telephones. All use of local public matching funds for advertising expenditures including the costs of production, distribution and purchase of media space or air time, shall meet the requirements of the fair advertising definition. A candidate who signs a campaign contract may not use matching funds for indirect campaign purposes such as, but not limited to, providing a candidate's personal support or for donation to another's campaign. Permissibility of an expenditure of local

public matching funds shall be determined by the director of the manager of the elections division.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

If the manager of the elections division is a candidate for elective county office and if this chapter applies to candidates for that elective county office, with respect to that candidate, all submissions required by this chapter to be made to the manager of the elections division shall be made to the director of the department of executive services and all verifications, approvals and determinations required by this chapter to be made by the manager of the elections division shall be made by the director of the department of executive services.

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

The county may adopt an ordinance making this chapter applicable to any county elected office.

SECTION 11. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.