

**Certification for a
Complaint to the Washington State Public Disclosure Commission and to
the Seattle Ethics and Election Commission
Relating to Political Committee registration and
Campaign Finance
(Notary Not Required)**

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: 

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Date Signed: March 23, 2017

Place Signed (City and County): Seattle King County

* RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

Table of Contents

Parties	4
Concise Statement of Facts	7
Evidence.....	8
Participation of City of Seattle	8
Prohibited Activity by the City of Seattle, Officials, Employees, Departments; Joint Participation in Drafting Ballot, Developing Joint Campaign Strategy, City of Seattle Mayor, Councilmembers, Officials, Departments, and Contractors Taking Pro Stance on Initiative 126.	8
Campaign Inception, Support, Funding, Circumvention of Washington State Constitution, Seattle City Charter, RCW, and SMC	8
Campaign Funding	10
Expenditures, In Kind, and Other Contributions from City of Seattle and by Nicolas Hanauer	10
Guiding Principles	10
Use of Public Resources, Support by Public Agency/Government in Order to Influence and Election - Guiding Rules	10
Prohibitions on Use of Public Funds for Political Purposes/Use of Public Office or Agency Facilities in Campaigns	10
MRSC Guidance – Use of Public Facilities to Support or Oppose Ballot Propositions	11
General Prohibition on Use of Public Facilities	11
Exceptions to Prohibition: Allowable Activities.....	11
Public Disclosure Commission and MRSC Available to Help Interpret Law	12
Public Disclosure Commission Guidelines	12
Constitution of the State of Washington	12
Article II Section 1(a) Initiative:	12
Revised Code of Washington	13
RCW 42.17A.001 Declaration of policy.	13
RCW 42.17A.005 Definitions.....	13
RCW 29A.04.091 Measures.....	13
RCW 42.17A.550 Use of public funds for political purposes.	13
RCW 42.17A.555 Use of public office or agency facilities in campaigns—Prohibition—Exceptions.	14
Charter of the City of Seattle	14
Article IV – Section 1. B. INITIATIVE AND REFERENDUM; HOW EXERCISED; PETITIONS; VERIFICATION OF SIGNATURES; COMPLETION OF PETITION, CONSIDERATION IN COUNCIL:	14
Seattle Municipal Code	15
Title 2 – Elections	15

Chapter 2.04 Election Campaign Contributions; Subchapter I – Definitions; Section 2.04.010
Definitions..... 15

Chapter 2.08 Initiative Petitions; Section 2.08.010 (A): 15

What Can and Can't Local Government Officials and Employees Do to Support or Oppose an
Initiative Measure 15

City of Seattle Ethics and Elections Commission: Candidate and Political Committee Guide 2015 Election
..... 17

March 23, 2017

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PO Box 94729
Seattle, Washington 98124-4729
ethicsandelections@seattle.gov

Washington State Public Disclosure
Commission
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This is a complaint to the Seattle Ethics and Elections Commission and to the Washington State Public Disclosure Commission, alleging that one or more City of Seattle officials and/or employees/contractors is improperly, nay even fraudulently acting as the chief proponent of a citizens' initiative, has induced others to act as the City of Seattle's officials' straw sponsor of a citizens' initiative, Initiative #126, has also improperly used the resources of the City of Seattle to both sponsor and support a ballot proposition, that those officials and the listed parties below, and others have failed to timely register with both the City's and State's campaign finance commissions as a political committee, and failed to file the statutorily required campaign finance reports with both of those commissions.

Parties

Name of Official: Edward B. Murray (City of Seattle)
Mayor

Address of Official: P.O. Box 94749
Seattle, WA 98124-4749

Official's Telephone: 206-684-4000

Name of Official: Mike O'Brien (City of Seattle)
Councilmember

Address of Official: P.O. Box 34025
Seattle, WA 98124-4025

Official's Telephone: 206-684-8800

Official's E-Mail Address: mike.obrien@seattle.gov

Name of Official: Sally Bagshaw (City of Seattle)
Councilmember

Address of Official: P.O. Box 34025
Seattle, WA 98124-4025

Official's Telephone: 206-684-8801

Official's E-Mail Address: sally.bagshaw@seattle.gov

Name of Official: Debora Juarez (City of Seattle)
Councilmember

Address of Official: P.O. Box 34025
Seattle, WA 98124-4025

Official's Telephone: 206-684-8016

Official's E-Mail Address: debora.juarez@seattle.gov

Name of City of Seattle Employee/Consultant: George Scarola. (City of Seattle)
Director of Homelessness

Address of City of Seattle Employee/Consultant: P.O. Box 94749
Seattle, WA 98124-4749

City of Seattle Employee's/Consultant's: Telephone: 206-684-0969

City of Seattle Employee's/Consultant's: E-Mail Address: George.scarola@seattle.gov

Name of City of Seattle Employee/Consultant: Catherine Lester (City of Seattle)
Director of Human Services

Address of City of Seattle Employee/Consultant: P.O. Box 34215
Seattle, WA 98124-4215

City of Seattle Employee's/Consultant's: Telephone: 206-386-1001

City of Seattle Employee's/Consultant's: E-Mail Address: Catherine.lester@seattle.gov

Name of Campaign Official/Contributor: Nicolas J. Hanauer Private Party
Reduce Seattle Homelessness Now

Address of Campaign Official: 179 NW Cascade Drive
Shoreline, WA 98177

Campaign Official's Telephone: (206) 624-1057

Campaign Official's E-Mail Address:

Name of Campaign Official: Daniel Malone Downtown Emergency Service Center

Address of Campaign Official: 515 Third Avenue
Seattle, WA 98104

Campaign Official's Telephone: (206) 464-1570

Campaign Official's E-Mail Address: dmalone@desc.org

Name of Campaign Official: Stephanie Ervin Blue Wave Political Partners, LLC
Reduce Seattle Homelessness Now

Address of Campaign Official 119 1st Avenue South Suite 320
Seattle, WA 98104

Campaign Official's Telephone: (206) 682-7328

Campaign Official's E-Mail Address: info@bluewavepolitics.com

Name of Campaign Official: Jay Petterson Blue Wave Political Partners, LLC
Reduce Seattle Homelessness Now
Ed Murray for Mayor

Address of Campaign Official 119 1st Avenue South Suite 320
Seattle, WA 98104

Campaign Official's Telephone: (206) 682-7328

Campaign Official's E-Mail Address: info@bluewavepolitics.com
jay@mayoredmurray.com

Name of Campaign Official: Josie Olsen Blue Wave Political Partners, LLC
Reduce Seattle Homelessness Now

Address of Campaign Official 119 1st Avenue South Suite 320
Seattle, WA 98104

Campaign Official's Telephone: (206) 682-7328

Campaign Official's E-Mail Address: info@bluewavepolitics.com

Name of Campaign Official: Sandeep Kaushik, Reduce Seattle Homelessness Now
Ed Murray for Mayor
Downtown Emergency Service Center
All Home

Address of Campaign Official 119 1st Avenue South Suite 320
Seattle, WA 98104

Campaign Official's Telephone: 206-355-9230

Campaign Official's E-Mail Address: sandeep@soundviewstrategies.biz

Name of Campaign: Reduce Seattle Homelessness Now

Address of Campaign: 119 FIRST AVE S STE 320
SEATTLE, WA 98104

Campaign's Telephone: (206) 682-7328

Campaign's E-Mail Address: jay@bluewavepolitics.com

Concise Statement of Facts

Beginning on or about the first quarter of 2016 and continuing through to the present date, March 23, 2017, one or more elected officials of the City of Seattle (“COS”), certain COS staff, certain contractors to the City of Seattle, along with a number of other individuals associated with either the non-profit, business, or private/citizen sectors of Seattle, all commenced on a course of action to craft a scheme whereby the COS could seek to raise hundreds of millions of dollars in property tax revenue from the public by bypassing the legislative and election procedures required under the Washington State Constitution, the Revised Code of Washington and the Seattle City Charter, using instead the legislative powers of the citizens’ initiative process.

The plan created and now being executed by these individuals was that certain COS officials would declare that in their capacity as COS officials the City of Seattle was the proponent of a citizens’ initiative petition (repeatedly referred to by them in media appearances and reports as a “levy” (an attempt to ultimately confuse the public into thinking that the initiative was in fact a government sponsored levy), that the City was acting in concert with their designated non-COS partners, “straw proponents”, to draft a citizens’ initiative, utilizing in large part COS resources for their endeavors, all of which would eliminate the necessity of those officials having to seek legislative approval from the Seattle City Council to place a COS levy on the ballot to raise the people’s property taxes.

According to news reports this plan was conceived by the COS’s Mayor Murray in concert with certain individuals, the “straw proponents”, with key contractors of the COS who provide “homeless services” for the COS (and who would greatly benefit from the passage of this legislation), and with Nicolas Hanauer, the latter who was critically important to the success of the scheme as he would provide the campaign funds necessary to gather signatures in order to place the initiative on the ballot and to fund the necessary political campaign to gain the public’s acceptance of the substantial property tax hike.

Mayor Murray, City Councilmembers Bagshaw, Juarez, O’Brien, Nicolas Hanauer and others associated with both the Reduce Seattle Homelessness Now campaign, and with the homeless issue industry, all of whom participated in the crafting of the tax hike plan and the resultant initiative and the campaign to operationalize it, have made statements that the initiative is being promulgated by the Mayor, that in his official capacity he is the chief sponsor of it, that the COS by extension is a sponsor of it, that the COS has both played host to and contributed substantial COS official and employee work hours and COS resources towards planning the tax hike, drafting the initiative that will establish it, planning the campaign to gain public support for the initiative that the COS is the chief proponent of the citizens’ initiative.

According to the parties the property tax revenue received as a result of the passage of the initiative will be used by the COS to greatly expand its governmental bureaucracy and to provide additional revenue to a select coterie of “homeless issue advocacy” groups and advocates with whom the COS contracts with for a myriad of City services. The cover message and promise crafted by the authors of this substantial tax hike plan is that the hundreds of millions in revenue will help bring about an end to homelessness within the city of Seattle.

If and when the COS Council is in receipt of the validated initiative petition they may take one of three actions in regards to it, either adopt it and make it law, produce a competing version of it for ballot, or reject it and submit it to the public for a vote.

Multiple and regular references by the parties named here and others who have been working with them or supporting them in their work on the referenced citizens' initiative indicate that multiple City of Seattle elected and unelected officials have utilized COS resources towards drafting the initiative, in developing the campaign plans, in providing or raising the funds required to both qualify the initiative for the ballot and to carry out a campaign in support of it.

In addition to improperly utilizing COS funds, resources, and claiming that the citizens' initiative is sponsored by the City of Seattle, the parties, including the City of Seattle and its officials involved in this this matter have also failed to register as a political action committee¹ with both the Seattle Ethics and Elections Commission and the Washington State Public Disclosure Commission, as well as to file the necessary C-3, C-4, and other campaign finance reports with those commissions - related to the funds, in-kind contributions, and other contributions received by the committee over the last year plus.

According to the Seattle Municipal Code, the SEEC, the Revised Code of Washington, and the Public Disclosure Commission, individuals acting in concert as a committee are required to register with and report to the commissions when there is an expectation of raising or spending money to influence the outcome of an election (either in support for or in opposition to), in the instant case, to support the ballot measure embodied by COS Initiative 126. All of these conditions were fulfilled assuredly when the COS officials, the chief proponents of Initiative 126, decided and did utilize the City's resources they controlled or had at their disposal to commence with their plan for raising property taxes, gaining additional revenue for the City, and likewise as soon as Mr. Hanauer contacted them, or they him, and he both offered and pledged to provide the campaign with all necessary funding, without limit (in his own published words) to ensure that their taxation scheme would be successful.

Evidence

Participation of City of Seattle

Prohibited Activity by the City of Seattle, Officials, Employees, Departments; Joint Participation in Drafting Ballot, Developing Joint Campaign Strategy, City of Seattle Mayor, Councilmembers, Officials, Departments, and Contractors Taking Pro Stance on Initiative 126.

Campaign Inception, Support, Funding, Circumvention of Washington State Constitution, Seattle City Charter, RCW, and SMC

- "In his State of the City address, Seattle Mayor Ed Murray announced last week [2/21/17] he would ask voters to approve a \$275 million property-tax levy to combat

homelessness. Murray cast the plan as his own, saying the city must double its homeless spending. Superwealthy entrepreneur Nick Hanauer, Murray explained, would help draw up the details.”^{2 3}

- “Seattle Mayor Ed Murray says he wants to take the homeless emergency to voters directly, and will bypass City Council approval of the levy vote. Murray made the comments Wednesday in an abrupt and bold change of policy towards addressing the state of emergency. Mayors will often send legislation to the council, which may refine a levy request before it is put on the ballot...He's expected to file the levy request with the City Clerk's office Wednesday afternoon and start collecting signatures next week to get it on the ballot. His campaign spokesperson Sandeep Kaushik, says he needs over 20,000 signatures to qualify for the August ballot.”⁴
- “The venture capitalist says his Seattle-based think tank brought the idea to Murray and has been working on it for the last year. ‘We just decided we were going to do something, and no one can stop that. And once that bus leaves the station, people can get on or get run over,’ Hanauer said in an interview...‘We came to the mayor and said, ‘We are throwing down on homelessness,’ he said. ‘We said, ‘We are going to take something big to the ballot.’ The mayor was receptive, said Hanauer, who called the project a collaboration between his organization and City Hall. ‘Mayor Murray is a friend of mine, and it’s all connected,’ Hanauer said. ‘This is not a secret plot. It’s a group of citizen activists and leaders thinking about what to do.’”⁵
- “Murray laid out his vision, which he said came from the Mayor's Homelessness Revenue Advisory Group...”⁶
- “In fact, I believe we must double the City’s spending on homelessness. I have asked local entrepreneur and civic activist Nick Hanauer and Daniel Malone, the Executive Director of Downtown Emergency Services Center, along with Councilmembers Juarez and Bagshaw, to lead an advisory group that sends me a funding package within 14 days that achieves this goal.”⁷
- “The mayor is hoping to qualify a measure to put on the August ballot that would hike taxes on residential and commercial properties.”⁸
- “This package would raise an additional 55 million dollars per year, paid for by an increase in the commercial and residential property tax – around 13 dollars per month for the median household...I am inviting Council to join community leaders and me to help qualify this property tax measure for the August ballot.”⁹
- “City of Seattle officials on Wednesday fleshed out the details of their five-year, \$275 million property tax plan to fund Mayor Ed Murray's Pathways Home initiative to quell homelessness.”¹⁰
- “Murray is proposing spending 71 percent of the \$275 million on rent subsidies and other programs to do this.”¹¹
- “Speaking in the Downtown Emergency Services Center Wednesday, Mayor Ed Murray gave a glimpse into how he and his administration would fight Seattle’s homelessness crisis...It’s Murray’s attempt at getting his arms around a ballooning homelessness crisis. At last count, 4,500 people were on Seattle’s streets.”¹²

- “Bill Radke talks with Seattle Mayor Ed Murray about his plans for a five-year, \$275 million property tax levy to pay for additional homeless services...”¹³
- “City of Seattle officials on Wednesday fleshed out the details of their five-year, \$275 million property tax plan to fund Mayor Ed Murray's Pathways Home initiative to quell homelessness.”¹⁴
- “The campaign was filed officially with the city on Wednesday and the group will begin collecting signatures next week, said Sandeep Kaushik, who is consulting for the campaign. They'll need to collect 20,638 signatures to get the measure approved for a ballot in August, a task Kaushik said he expects to complete by mid-April. He admitted that voters will have to be convinced before they can get behind the tax, but he also thought people would tend to support it.”¹⁵

Campaign Funding

Expenditures, In Kind, and Other Contributions from City of Seattle and by Nicolas Hanauer

- Murray has run at least one levy a year...he's enlisting mega-millionaire entrepreneur Nick Hanauer to bankroll this tax hike campaign.¹⁶
- Backed by venture capitalist Nick Hanauer, the campaign will not lack for money.¹⁷
- “Sandeep Kaushik, the mayor's political advisor who will run the re-election effort, said Mayor Ed Murray is treating the upcoming campaign as if an opponent is going to surface at some point.”¹⁸
- Murray laid out his vision, which he said came from the Mayor's Homelessness Revenue Advisory Group, and calls for \$275 million in additional spending on homeless services over five years...He's expected to file the levy request with the City Clerk's office Wednesday afternoon and start collecting signatures next week to get it on the ballot. His campaign spokesperson Sandeep Kaushik, says he needs over 20,000 signatures to qualify for the August ballot.¹⁹

Guiding Principles

Use of Public Resources, Support by Public Agency/Government in Order to Influence and Election - Guiding Rules

Prohibitions on Use of Public Funds for Political Purposes/Use of Public Office or Agency Facilities in Campaigns

MRSC Guidance – Use of Public Facilities to Support or Oppose Ballot Propositions²⁰

General Prohibition on Use of Public Facilities

State law in [RCW 42.17A.555](#) prohibits the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office. This prohibition is not new, as it was a part of Initiative 276 adopted by the voters in 1972.

It is important for local government officials to be aware of what may and may not be done in regard to supporting or opposing a ballot proposition. These rules apply to all units of local government and their officials and employees, including counties, cities, towns, transit districts, port districts and other special districts.

The general prohibition against use of public facilities is very broad and comprehensive. The term "public facilities" is defined to include use of stationery, postage, equipment, use of employees during working hours, vehicles, office space, publications of the office, or lists of persons served by the local government. This prohibition means that elective or appointive personnel of local governments may not work to support or oppose a ballot proposition during work time or allow public facilities to be used for that purpose.

Exceptions to Prohibition: Allowable Activities

There are three specific exceptions to this broad prohibition. The first two exceptions apply only to elected officials. The first allows a local government legislative body, such as a city or town council or county commission or council, to vote on a motion or resolution to express support or opposition to a ballot proposition if the following procedural steps are first taken: 1) the notice for the meeting must include the title and number of the ballot proposition, and 2) members of the legislative body or members of the public must be allowed an approximately equal opportunity to express an opposing view.

The second exception allows an elected official to make a statement at an open press conference in support or opposition to a ballot proposition or in response to a specific inquiry.

The third exception is somewhat broader and allows activities which are part of the normal and regular conduct of the local government. Under this exception, a local government could prepare an objective and neutral presentation of facts concerning a ballot measure. For example, details could be provided to citizens concerning the financial impact of an initiative on the local government, such as how revenues would be affected by its passage. Care must be taken that this information be presented in a fair, objective manner.

Many local governments also allow use of their meeting room facilities on a nondiscriminatory, equal access basis to the public, usually for a rental fee. If this is the case, then it would be allowable to hold a public forum for citizens with pro and con representatives discussing an initiative in a public meeting hall.

It is important to remember that [RCW 42.17A.555](#) does not restrict the right of an individual, whether that person is an elective or appointive public official or a public employee, to express his or her personal views supporting or opposing a ballot proposition so long as that expression does not involve using public facilities. This means that elected officials and appointed staff may campaign on their own time, using their own supplies and equipment, for or against a ballot proposition by preparing brochures, mailings, doorbelling, and other such activities.

Public Disclosure Commission and MRSC Available to Help Interpret Law

The Public Disclosure Commission (PDC) was created in 1972 to help interpret and enforce the laws that were a part of Initiative 276. The PDC consists of five part-time commissioners appointed by the Governor, an executive director, and a small staff. The PDC is available through its staff to respond to questions concerning ballot measures and campaign issues and to provide informal opinions. The PDC staff encourages local government officials to contact them with questions in advance of a proposed activity that may involve the use of public facilities in a ballot campaign. Also, fact sheets that have been prepared by local governments may be faxed to PDC staff to review prior to public distribution. You may contact the PDC at (360) 753-1111 or by fax at (360) 753-1112. Additional information is available on the [PDC website](#).

Also, the Municipal Research and Services Center (MRSC) legal staff is available to respond to questions concerning the prohibition on use of public facilities for ballot measures. The MRSC library also has sample resolutions enacted by legislative bodies of local governments to support or oppose ballot propositions from past elections. MRSC can be contacted at (206) 625-1300, by fax at (206) 625-1220, or by [e-mail](#).

Public Disclosure Commission Guidelines

[Guidelines for Local Government Agencies in Election Campaigns: Public Disclosure Law Re: Use of Public Facilities in Campaigns](#), PDC Interpretation Number 04-02, amended 05/22/2013 - These guidelines provide an overview of Washington state law in an easy-to-read chart format indicating what activities are permitted or not permitted, as well as general questions to consider.

Last Modified: August 24, 2016

Constitution of the State of Washington

[Article II Section 1\(a\) Initiative](#): The first power reserved by the people is the initiative.

Revised Code of Washington

RCW 42.17A.001 Declaration of policy.

It is hereby declared by the sovereign people to be the public policy of the state of Washington:...

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

RCW 42.17A.005 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency...

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or *any initiative*, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures...

(15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office. [Emphasis added]

(16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

RCW 29A.04.091 Measures.

"Measure" includes any proposition or question submitted to the voters.

RCW 42.17A.550 Use of public funds for political purposes.

Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state or school district office. 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. A local government must submit any proposal for public financing of local political campaigns to voters for their adoption and approval or rejection.

[2008 c 29 § 1; 1993 c 2 § 24 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW42.17.128.]

RCW 42.17A.555 Use of public office or agency facilities in campaigns— Prohibition—Exceptions.

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW42.52.010.

[2010 c 204 § 701; 2006 c 215 § 2; 1979 ex.s. c 265 § 2; 1975-'76 2nd ex.s. c 112 § 6; 1973 c 1 § 13 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.130.]

Charter of the City of Seattle

Article IV – Section 1. B. INITIATIVE AND REFERENDUM; HOW EXERCISED; PETITIONS; VERIFICATION OF SIGNATURES; COMPLETION OF PETITION, CONSIDERATION IN COUNCIL:

The first power reserved by the people is the initiative. It may be exercised on petition of a number of registered voters equal to not less than ten (10) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election, proposing and asking for the enactment as an ordinance of a bill or measure, the full text of which shall be included in the petition. Prior to circulation for signatures, such petition shall be filed with the City Clerk in the form prescribed by ordinance, and by such officer assigned a serial number, dated, and approved or rejected as to form, and the petitioner so notified within five (5) days after such filing.

Seattle Municipal Code

Title 2 – Elections

Chapter 2.04 Election Campaign Contributions; Subchapter I – Definitions; Section 2.04.010 Definitions

"Ballot proposition" means any measure, question, initiative, referendum, recall, or Charter amendment submitted to, or proposed for submission to, the voters of the City.

Chapter 2.08 Initiative Petitions; Section 2.08.010 (A):

If any registered voter, or organization of registered voters of the City desires to petition the City Council to enact a proposed initiative measure, he/she or they shall file with the City Clerk in the form prescribed by this chapter two (2) printed or typewritten copies, or an electronic copy prepared and submitted in accordance with standards which have been established by the City Clerk for electronically submitted documents, of the full text of the measure proposed, accompanied by the name and post office or mailing address of the petitioner.

What Can and Can't Local Government Officials and Employees Do to Support or Oppose an Initiative Measure²¹

May local government staff or officials prepare or distribute campaign materials in support of or opposition to an initiative during work hours?

No. Clearly this would violate the prohibition against use of public facilities to support or oppose ballot propositions. This prohibition applies to elective and appointive officials and employees of counties, cities, towns, school districts, port districts, transit districts and other special districts.

May a local government officer or employee campaign for or against an initiative on his or her own time?

Yes, this is allowed without violating any legal restriction. This may include preparing campaign brochures or literature, helping with mailings, doorbelling, and so on. As long as public facilities are not utilized and the work is done on private time, there is no violation. This is expressly authorized in WAC 390-05-271(1), which provides that RCW 42.17A.555 does not restrict the right of any individual to express his or her personal views concerning, supporting, or opposing a ballot proposition so long as such expression does not involve a use of public facilities.

May local government employees or officials prepare and distribute to citizens a neutral fact sheet concerning the fiscal impacts of an initiative on agency revenues and possible impacts on expenditures?

Yes, and this may include utilizing staff to research the impact of a ballot proposition for the purpose of gathering facts. The Washington Administrative Code in WAC 390-05-271 specifically allows a local government to make an objective and fair presentation of facts relevant to a ballot proposition, when such action is a normal and regular part of the

conduct of the local government. This information may be distributed to citizens by using the normal methods of communication that each local government uses to communicate with its citizens - such as newsletters, utility mailings and so on.

May a local government officer or employee write, on his or her own time, a letter to the editor of the local newspaper expressing a position on an initiative?

Yes, and the officer or employee may also identify in the letter his or her position with the local government. However, there should be no implication in the letter that the writer of the letter is expressing an official position on behalf of the local government concerning this initiative.

May a local government governing body, such as city council or county commission, pass a resolution in support of or opposition to a specific initiative at an open public meeting?

Yes, this may be done if two procedural steps are followed. First, any required notice for the meeting must include the title and number of the ballot proposition. Second, members of the legislative body or the public who hold an opposite view must be given an approximately equal opportunity to express their views at the meeting. If these procedures are followed, the elective governing body of a local government may pass a formal resolution in opposition to or support of a specific initiative.

May a local government elected official make a statement in support of or opposition to a specific initiative at a press conference?

Yes, this also is allowed as an exception to the general prohibition. This exception only applies to elective officials and not other staff or employees. The exception is limited to making the statement and does not allow staff to distribute such statement at public expense.

May a local government allow use of a public meeting room on a nondiscriminatory basis to allow a public forum to discuss or debate the impacts of an initiative?

Yes, this should be allowable assuming that the local government has a policy that routinely allows use of one of their meeting rooms by the public. Use of the meeting room as a forum for a debate would then be a part of the normal and regular conduct of the local government. The meeting room should be made available on the same terms as apply to other groups who wish to utilize the room. For example, rent should be charged for use of the meeting room if that is the normal policy. Also, both proponents and opponents of the initiative must have equal access to the meeting room on a nondiscriminatory basis.

What resources are available if there are further questions concerning this subject?

The legal staff at Municipal Research and Services Center (MRSC) is available to help answer questions concerning the prohibition on use of public facilities in ballot campaigns. MRSC can be contacted at (206) 625-1300, by fax at (206) 625-1220 or by e-mail at mrsc@mrsc.org. Also, the staff at the Public Disclosure Commission (PDC) will help local government officials interpret and apply this law. The PDC may be contacted at (360) 753-1111 or by fax at (360) 753-1112.

City of Seattle Ethics and Elections Commission: Candidate and Political Committee Guide 2015 Election²²

Qualifying as a Candidate or Political Committee

The Elections Code defines a “Candidate” as “any individual who seeks election to the office of Mayor, member of the City Council, or City Attorney of the City.” It defines a “Political Committee” as any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition. Throughout this guide, the terms “candidate committee” and “ballot issue committee” are used when there is a need to differentiate between the two types of committees. All Seattle candidates must be registered voters in the jurisdiction they hope to represent.

New law. Beginning in the 2015 election cycle, candidates for the seven City Council districts must reside in the district for at least 120 days prior to filing the Declaration of Candidacy in May of the election year. For the 2015 election cycle, candidates must be a resident of their desired district no later than January 15, 2015. Contact King County elections to verify your voter registration.

When Must a Candidate or Political Committee Begin Reporting?

New law. For candidates on the ballot in 2015, the Election Cycle began on January 1, 2014. For candidates on the ballot in 2017, the Election Cycle begins on January 1, 2016.

The Election Cycle ends on April 30th of the year following the election. Candidates are prohibited from soliciting or receiving contributions, and contributors are prohibited from making campaign contributions outside the Election Cycle.

Once the Election Cycle has begun for City candidates, both State and City law require candidates and committees to begin filing campaign disclosure reports within two weeks of answering “yes” to **any** of the following questions:

YES NO

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Have you raised or spent any money on your campaign, or to explore the possibility of becoming a candidate or running a ballot issue campaign?
<input type="checkbox"/>	<input type="checkbox"/>	Have you solicited contributions, or pledges contingent on your decision to seek office or run a ballot issue campaign?
<input type="checkbox"/>	<input type="checkbox"/>	Have you publicly announced that you are a candidate, or publicly announced that you are organizing a ballot issue committee?
<input type="checkbox"/>	<input type="checkbox"/>	Have you filed a Declaration of Candidacy to run for City office?
<input type="checkbox"/>	<input type="checkbox"/>	Have you paid for or reserved office space or other facilities for your campaign?
<input type="checkbox"/>	<input type="checkbox"/>	Have you paid for or reserved advertising space or broadcast time for a campaign? Have you asked someone to conduct a survey or poll regarding your campaign or a ballot issue?
<input type="checkbox"/>	<input type="checkbox"/>	Have you given your consent to anyone doing any of these things for you?

End Notes

¹ SMC 2.04.010

² <http://www.seattletimes.com/seattle-news/politics/superwealthy-seattle-entrepreneur-pushing-property-tax-to-battle-homelessness/>

³ <http://murray.seattle.gov/state-of-the-city-2016/>

⁴ <http://www.king5.com/news/local/homeless/seattle-mayor-murray-homeless-levy/420887790>

⁵ <http://www.seattletimes.com/seattle-news/politics/superwealthy-seattle-entrepreneur-pushing-property-tax-to-battle-homelessness/>

⁶ <http://www.king5.com/news/local/homeless/seattle-mayor-murray-homeless-levy/420887790>

⁷ <http://murray.seattle.gov/state-of-the-city-2017/>

⁸ <http://komonews.com/news/local/seattle-mayor-urges-support-for-proposed-homelessness-levy>

⁹ <http://murray.seattle.gov/state-of-the-city-2017/>

¹⁰ <http://www.bizjournals.com/seattle/news/2017/03/09/seattle-mayor-ed-murray-275m-homeless-services.html>

¹¹ <http://www.bizjournals.com/seattle/news/2017/03/09/seattle-mayor-ed-murray-275m-homeless-services.html>

¹² <http://crosscut.com/2017/03/murray-property-tax-homelessness-hanauer/>

¹³ <http://kuow.org/post/ask-mayor-homeless-levy-soda-tax-and-suing-trump>

¹⁴ <http://www.bizjournals.com/seattle/news/2017/03/09/seattle-mayor-ed-murray-275m-homeless-services.html>

¹⁵ http://www.seattlepi.com/homeless_in_seattle/article/Homelessness-tax-levy-What-it-will-cost-and-what-10991345.php

¹⁶ <http://crosscut.com/2017/03/murray-property-tax-homelessness-hanauer/>

¹⁷ <http://www.bizjournals.com/seattle/news/2017/03/09/seattle-mayor-ed-murray-275m-homeless-services.html>

¹⁸ <http://mynorthwest.com/511727/mayor-ed-murray-lacks-opponent-in-2017/>

¹⁹ <http://www.king5.com/news/local/homeless/seattle-mayor-murray-homeless-levy/420887790>

²⁰ <http://mrsc.org/Home/Explore-Topics/Governance/Candidates-and-Newly-Elected-Officials/Use-of-Public-Facilities-to-Support-or-Oppose-Ball.aspx#>

²¹ <http://mrsc.org/Home/Explore-Topics/Governance/Candidates-and-Newly-Elected-Officials/What-Can-and-Cant-Local-Government-Officials-and.aspx>

²² <http://www.seattle.gov/ethics/elpub/CandGde150416.pdf>