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FILE NO: 2008-0147

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

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4 STATEMENT OF FACTS:

5 1. Nearly twenty years ago, King County voters approved a charter amendment to implement an  
6 innovative program that matched private campaign funds with public money, when candidates agreed  
7 to limit campaign spending, in order to reduce the influence of special interests in elections.

8 2. Subsequent changes in state law eliminated local programs that provided public funding for  
9 political campaigns of elected offices.

10 3. RCW 42.17.128, amended in the 2008 legislative session, provides that "A county, city, town, or  
11 district that establishes a program to publicly finance local political campaigns may only use funds  
12 derived from local sources to fund the program."

13 4. RCW 42.17.128 provides further that "A local government must submit any proposal for public  
14 financing of local political campaigns to voters for their adoption and approval or rejection."

15 5. It is in the public interest to encourage the widest participation of the public in the electoral  
16 process and to reduce the dependence of candidates on large contributions.

17 6. Public matching funds for campaign purposes are necessary for voluntary expenditure limitations  
18 to be successful and voluntary programs are the only limitations constitutionally permissible.

19 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

25 prosecutor:

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

32 YES [ ]

33 NO [ ]

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

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

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

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

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

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

51 A. A candidate for county council who signs a campaign contract in accordance with section 3 of  
52 this ordinance shall not, during the election cycle, make expenditures exceeding the aggregate

53 amount of the annual salary of the office that the candidate is seeking, calculated for the year of the  
54 election.

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

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

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

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

67 1. For the offices of executive, prosecutor, sheriff, district court judge and superior court judge:

68 a. Receive five hundred contributions of ten dollars or more during the campaign cycle, and

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

71 2. For the office of county council:

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

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

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

77 C. Candidates must submit evidence of meeting the eligibility requirements of this section to the  
78 manager of the elections division for verification. Upon verification of eligibility, a candidate who has  
79 signed a campaign contract shall be eligible to receive local public matching funds: provided that any

80 candidate who receives local public matching funds and later fails to file for public office or  
81 withdraws his or her candidacy after filing, shall return to the appropriate county account and all  
82 unexpended campaign funds up to the amount of the matching public funds disbursed to that  
83 candidate.

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

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

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

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

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

101 1. An opponent of that candidate does not enter into a campaign contract in under this  
102 chapter; and

103 2. The candidate returns all local public matching funds received in accordance with this  
104 chapter.

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

107 A. There is hereby established in the county treasury a campaign matching fund account into

108 which shall be deposited whatever sums the county may receive or allocate from time to time or  
109 during the annual budget process for campaign matching purposes.

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

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

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

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

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

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

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

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