



ORDINANCE NO.

1 AN ORDINANCE relating to public financing of political campaigns; providing for
2 the submission to voters of the City, at an election to be held on
3 November 4, 2014, of a proposition establishing a public matching funds
4 program for financing City Council election campaigns when certain
5 qualifying conditions are met by candidates, and limiting campaign
6 expenditures on City election campaigns of those who voluntarily enter the
7 matching campaign fund program; establishing a campaign matching fund
8 account in the City Treasury from local property tax revenue; and adding
9 new sections in the Tacoma Municipal Code; and ratifying and confirming
10 certain prior acts.

11 WHEREAS the Fair Campaign Practices Act enacted following the passage
12 of Initiative 34 in 1992 prohibited the use of public funds to finance state and local
13 political campaigns, and

14 WHEREAS, in 2008, the Washington State Legislature amended
15 RCW 42.17.128 (now RCW 42.17A.550) to allow counties, cities, and towns to
16 establish public campaign financing programs funded through local revenue
17 sources with the approval of voters, and

18 WHEREAS the City Council is committed to systemically improving the local
19 electoral process through measures that reduce barriers to entry for candidates
20 and broaden public participation in the electoral process, and

21 WHEREAS the City Council is concerned about the rising costs associated
22 with local election campaigns and the potential negative impact on public
23 participation in the democratic process; Now, Therefore,

24 BE IT ORDAINED BY THE CITY OF TACOMA:

25 Section 1. Findings. The City finds that it is in the best interest of the public
26 to strengthen the local electoral process by reducing the financial barriers to entry



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for prospective candidates, increasing the role of small donors, and diversifying the pool of donors to City Council races. The City finds there is public benefit to create a voluntary program available to candidates running for Mayor and the Tacoma City Council to obtain public matching funds for certain political campaign activities if specific criteria and conditions are met.

Section 2. Administration of the Campaign Financing Program. The City Clerk or designee is charged with implementing and administering the Tacoma Public Campaign Financing Program ("Program"). Within 180 days of voter approval of the Program, the Clerk must:

- A. Promulgate rules that establish a process for participation with clear deadlines;
- B. Develop and make available to the public all forms and documents necessary to participate in the Program; and
- C. Establish processes and procedures for appeal of decisions of the Clerk.

Section 3. That Title __ of the Tacoma Municipal Code is hereby amended by the addition of a new Chapter _____, to be known and designated as "Tacoma Public Campaign Financing Program, reading as follows:

Chapter _____
TACOMA PUBLIC CAMPAIGN FINANCING PROGRAM

- Sections:
- _____ Definitions.
 - _____ Matching Contribution.
 - _____ Program Eligibility.
 - _____ Withdrawal from Program.
 - _____ Qualification Process.
 - _____ Program Structure.



- _____ Lifting of a Cap.
- _____ Program Changes.
- _____ Return of Unused Funds.
- _____ Disbursement of Funds.

_____ **Definitions.** The following terms, when used and capitalized in this ordinance, are defined as follows:

“Campaign Program Fund” means the fund established as the repository for the funds to support the Program.

“Cap” means maximum allowed Total Candidate Funds.

“Clerk” means the City Clerk or her/her designee.

“Participating Candidate” means a person who has been certified by the Clerk as having met the Program requirements.

“Participation Agreement” means a contract between a Participating Candidate and the City of Tacoma, detailing the responsibilities of the parties to the agreement.

“Program” means the Tacoma Public Campaign Financing Program.

“Match” means the public funds made available to a Participating Candidate for an election.

“Matching Contribution” means a campaign contribution that is certified by the Clerk as having met the Program requirements.

“Statement of Intent” means a statement by a candidate of his/her intention to participate in the Program.

“Total Candidate Funds” means a candidate’s cash on hand plus expenditures, minus debts and obligations.



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_____ **Matching Contribution.** A Matching Contribution for the Program must be a monetary contribution of no less than \$10.00 from a human who is a resident of the City of Tacoma at the time of when the contribution is made. The contribution may be of any amount up to that allowed by the Cap; however, only \$50.00 of any contributions will be matched.

_____ **Program Eligibility.** To qualify as a Participating Candidate and be eligible to receive public matching funds, a person must:

A. Have filed a Statement of Intent with the Clerk no earlier than January 1 and no later than May 31 of the year of the election, and prior to collecting any contributions that will be submitted to the Clerk to establish eligibility;

B. Have filed a Participation Agreement with the Clerk by May 31 of the year of the election;

C. Have filed with Pierce County Elections as a candidate in a citywide election to the Tacoma City Council or for Mayor of Tacoma;

D. Be opposed by at least one person who has filed with Pierce County Elections for the same City Council or Mayoral seat who is still in the election after the date set for withdrawal from the election, and who has raised or spent at least \$2,000 in support of his/her candidacy;

E. Have received at least 200 Matching Contributions between January 1 and May 31 of the year of the election;

F. Agree to participate in a minimum of three public debates or candidate forums with at least one opponent during the course of the campaign;



1 G. Have submitted all necessary documentation for qualification no later
2 than May 31 of the year of the election; and

3 H. Have made no more than \$5,000 in contributions to his/her own
4 campaign.

5 A candidate who qualifies for the Program is qualified for both the primary
6 and general elections.

7 _____ **Withdrawal From Program.** A Participating Candidate withdrawing
8 from the Program must return all public funds to the Campaign Program Fund with
9 interest, assessed at the same rate as a US Treasury Bill issued the day the
10 candidate entered into the Participation Agreement, per day from the date of
11 receipt of those funds.

12 _____ **Qualification Process.** By December 1 of the year prior to an
13 election year, the Clerk must issue a schedule that sets the deadlines and process
14 for qualification, including the form of the Statement of Intent and the Participation
15 Agreement. The Clerk must certify eligible candidates who have timely filed to
16 participate in the Program within 15 days of receipt of the last necessary and timely
17 filed document that establishes that candidate's eligibility.

18 _____ **Program Structure.**

19 A. Caps. For Participating Candidates, the Cap for each election is three
20 times the maximum match of public funds available.

21 B. Matches. The maximum Match available to each Participating
22 Candidate for each election is \$15,000 for district positions; \$30,000 for City-wide
23 positions, and \$60,000 for the Mayor. The sum of the match in the primary and in
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1 the general must not exceed \$30,000 for district positions; \$60,000 for City-wide
2 positions, and \$120,000 for the Mayor.

3 C. Match. A Participating Candidate will be eligible for a Match equal to six
4 times the value of each Matching Contribution, provided that the resulting number
5 may not exceed the maximum Match for the entire election as set forth above. If
6 the sum of a candidate's Total Candidate Funds and Match calculated as provided
7 for here exceeds the applicable Cap, the Match is reduced until the Cap is
8 reached.

9 _____ **Lifting of a Cap.** The Clerk shall determine which candidates
10 benefit from an Independent Expenditure. If the combined total of the Independent
11 Expenditure and the Total Candidate Funds of any candidate(s) who benefit from
12 the Independent Expenditure exceeds the Cap, the Cap is removed for all
13 Participating Candidates who do not benefit. If the candidate who benefits is a
14 Participating Candidate, then the Cap shall remain in place for that candidate until
15 such time another Participating Candidate exceeds the Cap. The Clerk must post
16 to a designated website, and notify all candidates in a race no later than three
17 business days after learning of an Independent Expenditure, a determination of
18 which, if any, candidates are no longer subject to a Cap. The Clerk must consider
19 the following factors in determining whether a candidate benefited or was intended
20 to benefit from an Independent Expenditure:
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22 A. Whether the communication clearly identifies one or more candidates;

23 B. Whether the communication clearly expresses support for or opposition
24 to one or more candidates;
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1 C. Whether the communication clearly identifies and associates a
2 candidate to a position on an issue and urges voters to take a particular action;

3 D. Whether the communication distinguishes one or more candidates from
4 each other in a campaign based on a position on an issue or in some other
5 manner; and

6 E. Any other factors deemed relevant by the Clerk.

7 _____ **Program Changes.** No more than 180 days after regular City
8 Council elections, the Clerk shall recommend to the City Council any changes that
9 the Clerk determines would improve the Program. The City Council may, upon
10 receipt of the Clerk's recommendation, change any dollar value by no more than
11 15 percent, and may change the number of Matching Contributions required to
12 participate in the Program by no more than 50.

13 _____ **Return of Unused Funds.** A Participating Candidate must return
14 unexpended funds to the City for deposit into the Campaign Program Fund no later
15 than 30 days after he/she is elected, defeated, or withdraws. However, the funds
16 returned to the City need not exceed the amount of public funds received.

17 _____ **Disbursement of Funds.** One week after the closing date for filing
18 with Pierce County Elections for the election in question, the Clerk must provide
19 each Participating Candidate with half of the matching funds the candidate is, at
20 that time, eligible to receive based on the candidate's Matching Contributions and
21 other limitations set forth herein. The Clerk determines the information needed to
22 submit a claim for subsequent payments of public funds. The Clerk must certify
23 each request for payment of public funds within four business days of the request,
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1 except that within 14 calendar days before the election, when the certification of a
2 request for public funds must be made within two business days of the request.

3 Any submission of a claim for public funds must include a minimum of \$1,000 of
4 matching contributions; provided that in the 14 calendar days preceding an
5 election, a claim must include a minimum of \$200 of matching contributions. All
6 claims for public funds must be submitted no later than 5:00 p.m. on the 30th day
7 following the date of the election.

8 Section 4. Election Ballot Title. The City Council directs that the City Clerk
9 file this ordinance with the Pierce County Auditor, as ex officio supervisor of
10 elections, requesting that the Auditor call and conduct a special election in the City
11 in conjunction with the general election to be held on November 4, 2014, for the
12 purpose of submitting to the qualified electors of the City the proposition set forth in
13 this ordinance. The City Clerk is directed to certify to the Pierce County Auditor the
14 ballot title approved by the City Attorney in accordance with RCW 29A.36.071.
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16 Section 6. Ratification. Certification of such proposition by the City Clerk to
17 the Pierce County Auditor in accordance with law prior to the date of such election
18 on November 4, 2014, and any other act consistent with the authority and prior to
19 the effective date of this ordinance are hereby ratified and confirmed.
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21 Section 7. The Clerk will submit to the City Council, Mayor, and citizens of
22 Tacoma annual progress reports on the Campaign Finance Program. The report
23 shall be due to the City Council and Mayor by no later than March 1 of calendar
24 years following each election.
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Section 8. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, do not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

