

## The Final 21 Days Before the Primary

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*I know this is a LOT of information, but I hope you will take a few minutes to peruse and refresh your memory. Call me if you have any questions, or if you want to run something by me. Good luck on the campaign trail! -PG*

### **FILING REPORTS**

File reports on time! \$150 per day late-filing penalty began July 3.

Please note that while we frequently waive or reduce penalties when committees promptly correct their errors, we generally do not waive or reduce them in the final week before the election.

#### 1. **21-DAY AND 7-DAY C4S**

You are required to file two C4 reports in the weeks leading up to the Election and one after the election.

<b>Report</b>	<b>Period Covered</b>	<b>Date Due</b>
21-Day C4	June 1 – July 10	July 11
7-Day C4	July 11 – July 24	July 25
Post Primary C4	July 25 – August 31	September 11

#### 2. **REPORT OUTSTANDING OBLIGATIONS**

The C4 reports filed by your committee must report outstanding debts & obligations of the committee on Schedule B, Line 3. This includes obligations for which you or the committee have not yet received an invoice. In ORCA, go to Debt and Loan → Vendor Debt to enter (and *repay* or *forgive*) obligations or debts.

The campaign treasurer should contact each of the campaign's decision-makers after the close of business on July 10<sup>th</sup> and again on July 24<sup>th</sup> and ask if they have made any agreements (including verbal, text, or written) with vendors to purchase goods or services or reserve advertising or production space. If the exact amount of the obligation is not yet known, the committee must report an estimate of the amount.

In general, if the committee has made a commitment to pay someone, or if a vendor has done any work on the committee's behalf expecting payment—whether or not it's legally enforceable—then you must report that activity as an obligation or a loan.

If the committee fails to timely report all required obligations, it will be subject to late filing penalties.

**3. INCLUDE INFORMATION ON SUB-VENDORS**

State and City law require that filers must also provide detailed information on sub-vendors your campaign consultant(s) have contracted with. For example, if you paid a consultant to put together a mail piece for your campaign, the consultant must provide you with the name, address and amount paid to the sub-vendor(s) e.g. mail house, post office, printer, graphic designer, list provider, etc. Report this information on the Schedule A with your expenditures. Remember to report vendor and sub-vendor information on in-kind transactions as well.

**4. PROVIDE DETAIL ON EXPENDITURES OF \$5,000 OR MORE**

For all expenditures of more than \$50, you must provide a description of the expense. For expenditures of \$5,000 or more, provide a narrative description. For example: for a mailing advertisement include the number of pieces, and the type of piece (such as doorhanger, postcard, 2-fold brochure); for digital advertising include the dates the ads are scheduled to run.

**5. CONTINUE TO FILE C3S EACH MONDAY to report deposits made during the previous week.** If you did not make a deposit, you do not have to file a C-3. File weekly C3s through the Monday a week before the November election, unless you campaign ends earlier.

**6. CONTRIBUTION LIMITS DURING THE FINAL 21 DAYS**

For most of the election cycle there is no limit to the amount a candidate can contribute to their own campaign. The December 2011 ruling on the Family PAC v. McKenna case did away with contribution limits for non-candidate committees during the final 21 days before the election. In 2015 the City Council voted to remove the \$5,000 contribution limit for candidates during the final 21 days. However, State law still limits the amount a candidate can contribute to their own campaign during the final 21 days before the election to \$7,500. [RCW 42.17A.420](#). If you have questions about this limit, please contact the PDC.

State law does, however, place strict limits on the amount a candidate can be repaid for funds they loaned their campaign. Please contact the PDC directly before making a loan or contribution to your own committee.

Candidates participating in the Democracy Voucher Program are subject to the Maximum Campaign Valuation (MCV) for their campaign unless they have requested and been released from the MCV. The MCV is the greater of the contributions received or the campaign's expenditures including debts and obligations, plus vouchers allocated for the upcoming election. ([SMC 2.04.634 A.-B.](#)), SEEC [Elections Code Admin. Rule 16.G.](#))

**7. SPECIAL REPORTS**

We have a new system in place to e-file the SRLC and the SRLIE. Go to SEEC [e-file](#)→Upload Special Report.

**For Contributions of \$1,000 or More (SRLC)**

The committee must e-file a Special Report of Late Contributions (SRLC) no later than 4:30 p.m. the next business day following the RECEIPT of any contribution from a single contributor (including the candidate making a contribution to his or her own campaign) of \$1,000 or more in the aggregate during the final 21 days before the election.

Committees are required to file the SRLC for a contribution that equals or exceeds \$1,000 on its own, or that totals \$1,000 or more in the aggregate when combined with other contributions from that person received during the final 21 days before the election.

In addition, the committee must file a SRLC no later than 4:30 pm on the 21<sup>st</sup> day before the election to report any contribution (monetary or in-kind) from a single contributor of \$1,000 or more in the aggregate **received prior to the 21<sup>st</sup> day** (i.e. prior to July 11), but not yet reported.

The Special Report must disclose the name & address of the contributor, the date the campaign received the contribution and the amount of the contribution. Please note the contribution must also be reported on a C-3 or C-4 as appropriate.

The CEO of any corporation that makes a contribution must also complete the Certificate of [Non-Foreign Influence](#) (CNFI) and file with the appropriate parties.

**Late Independent Expenditures** – Committees that make Independent Expenditure are required to file three items (plus the CNFI if required) each time they make an expenditure of \$1,500 or more in the aggregate during the Final 21 days.

1) **Special Report** -- The committee must file a Special Report of Late Independent Expenditures no later than 4:30 p.m. the next business day after an expenditure is incurred. Please review the definition of expenditure in the Elections Code (the relevant portion is copied below).

“Expenditure” means a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay; and a payment or transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.... [SMC 2.04.010]

The Special Report can be e-filed and must include the following information: i) vendor name and address, ii) amount of expenditure, iii) subvendor name(s) and address(es), if any, and iv) a description of the expenditure. To file, go to SEEC [SEEC e-filing](#) and click on Upload Special Report.

2) **Copy of Ad** – The committee must file a copy of the independent expenditure advertising with the SEEC within two business days of disseminating the advertising.

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You can deliver to our office in person at 700 5<sup>th</sup> Ave, Suite 4010 (call first! (206) 684-8500), or by email to [polly.grow@seattle.gov](mailto:polly.grow@seattle.gov).

**3) Affidavit of Independence** - Each person and each officer of the committee or entity who made an independent expenditure must also file with each Special Report an affidavit of independence stating that the maker has made reasonable inquiry and determined that as to each of the following: the expenditure was made without consultation, collusion, or cooperation with (i) any candidate, candidate political committee, or ballot proposition committee that a reasonable person making the independent expenditure would expect to benefit from the expenditure; (ii) the officers of such candidate's or proposition's political committee; or (iii) such candidate's or committee's agents.

The affidavit must be notarized or declared under penalty of perjury. Email the affidavit to [polly.grow@seattle.gov](mailto:polly.grow@seattle.gov). If you are filing more than one Special Report, make sure that the affidavit specifies which advertising piece(s) the affidavit applies to.

**4) Certificate of Non-Foreign Influence (CNFI)**– In addition, the CEO of any corporation that makes an independent expenditure must also complete the Certificate of Non-Foreign Influence and file with the Seattle City Clerk.

## 8. SPONSOR IDENTIFICATION

Remember to include the sponsor id on all of your advertising. During the last minute rush to get your message out, this one important item is frequently overlooked. City law is similar to State law, but it is not the same. Under City law, you must include the words **“Paid for by”** or **“Sponsored by”** followed by the name of the committee and Top 5 contributors when applicable on broadcast advertising. Broadcast advertising includes cable, radio, automated telephone ads (robocalls) and promoted social media ads containing audio or video. The sponsor identification **must be clearly spoken** in all broadcast ads.

In print, and on websites, you must include the words “Paid for by” or “Sponsored by” followed by the person or committee who paid for the advertising and that person’s or committee’s address.

In all other aspects of sponsor ID, compliance with State law is acceptable for complying with City law.

Please note: State law allows a printed sponsor ID in TV advertisements, but there is no provision in the City’s Elections Code for omitting the spoken sponsor id. The sponsor id (including the Top Five contributors, when applicable) **must be clearly spoken**. [[SMC 2.04.290 B](#)]

**9. RECORDS AVAILABLE DURING THE FINAL 8 DAYS**

Campaign records must be available for public inspection for two hours between 8 am and 8 pm on Monday, July 24<sup>th</sup>, and by appointment Tuesday through Friday, July 25 – 28 and, also on Monday, July 31<sup>st</sup>.

[SEEC Elections Code Administrative Rule](#) 12. B describes the records to be made available for public inspection:

bank account statements, check registers, copies of or the hard copy equivalent of checks deposited into the account and copies of checks withdrawing funds from the account, copies of all deposit slips and invoices, paper copies of a spreadsheet or a ledger, or a method of viewing the copies if stored electronically. Committees must also provide one of the following, at the committee's discretion: (1) paper copies of electronic reports; (2) appropriate electronic viewing access to the reports; or (3) if the requestor provides a disk that is appropriately formatted to the committee's computer, a copy of the reports on the disk. To protect the confidentiality of contributors' financial information, the treasurer or deputy treasurer may remove checking account numbers and credit/debit card numbers from copies of documents placed on public display, so long as copies containing checking account numbers and credit/debit card numbers are retained.

If you have not already designated a **time and place in Seattle** for making your records available **on July 24<sup>th</sup>**, please send an email to [Polly.Grow@seattle.gov](mailto:Polly.Grow@seattle.gov) immediately providing this information.

To see what location and time we have on file for you, click on the [Campaigns](#) link from our site [www.seattle.gov/elections](http://www.seattle.gov/elections) Find your campaign name and click. Scroll to the “Committee Registration Statement “PopUp” button, or “Other Information from Most Recent C1.”

**10. REQUESTING A CHANGE IN LOCATION FOR PUBLIC INSPECTION**

If you wish to change the place and/or time for public inspection of your records, you must seek written authorization from the Executive Director. Send your request (email is fine) to Wayne Barnett, Executive Director at:

Seattle Ethics and  
Elections Commission                      or to                      [wayne.barnett@seattle.gov](mailto:wayne.barnett@seattle.gov)  
P.O. Box 94729  
Seattle, WA 98124-4729

If you have any questions about your filing requirements, please let me know.

*Polly Grow*

(206) 615-1248 ♦ [polly.grow@seattle.gov](mailto:polly.grow@seattle.gov)