

ORDINANCE NO. C - _____

An ordinance enacting the Spokane Fair Elections Code; instituting campaign contribution limits and disclosure requirements; amending chapter 01.07 and sections 07.06.500, and 07.08.149 of the Spokane Municipal Code.

WHEREAS, City of Spokane has seen an increase in “dark money” and “gray money” in local elections which fails to disclose or makes it hard to determine the source of the political spending; and

WHEREAS, local political campaign contributions and expenditures should be fully disclosed to the public and secrecy in the sources and application of such contributions for local elections should be avoided; and

WHEREAS, lower contribution limits require candidates to expand beyond the narrow group of large individual, corporate, and union donors thus reducing the threat of City of Spokane elected officials becoming too compliant with the wishes of large contributors; and

WHEREAS, political parties and legislative district committees have been accused of contributing “earmarked” campaign donations to nonpartisan City of Spokane candidates for elected office from donors who have already reached the contribution limit; and

WHEREAS, monetary contributions to local political campaigns are a form of participation in our political process, but the financial strength of individuals or organizations should not enable them to exercise undue influence on the judgment of City of Spokane local officials; and

WHEREAS, the people of Spokane should be assured that the private financial dealings of the Mayor, the City Council, the Municipal Court judges, and candidates for those offices present no conflict of interest between the public trust and private interest; and

WHEREAS, contractors have received more than \$116 million dollars in City of Spokane contracts after donating \$88,000 to current elected officials thereby creating the appearance of quid pro quo corruption; and

WHEREAS, City of Spokane contractors, City of Spokane Public Sector Unions, and business lobbyists with City interests have made contributions to City of Spokane Elected Officials outside the year the official appeared on the ballot thereby creating the appearance of quid pro quo corruption; and

WHEREAS, federal law prohibits foreign nationals from contributing to candidates for elected office in the United States;

WHEREAS, public faith and confidence in the governing institutions of the City of Spokane is essential and must be promoted by assuring the people of Spokane of the impartiality, decency, and honesty of the officials and the appointees that represent them in all public transactions and decisions; and

WHEREAS, the Spokane City Council believes that it is absolutely crucial to restore the public trust in our institutions and our elected officials by instituting a set of local campaign finance restrictions and regulations, which will have the effect of deterring quid pro quo corruption and reducing the appearance of quid pro quo corruption and ensuring fair play.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That chapter 01.07 of the Spokane Municipal Code is amended to read as follows:

Section 01.07.003 Title; Purpose and Intent

- A. This chapter shall be titled and referred to as the Spokane Fair Elections Code.
- B. The purpose of this chapter is to institute regulations for the fair conduct of elections for citywide office and to ensure a high degree of transparency in the conduct of local elections. The City of Spokane is authorized to legislate in this area as a valid exercise of the City's police power, pursuant to Washington Constitution Art. XI, secs. 10 and 11 and RCW 35.22.020 and RCW 35.22.195.
- C. The City intends, by enacting this chapter, to provide for transparency, fairness, accountability, and integrity in the conduct of elections for City office, to promote and increase political participation and the open discussion of issues, and to reduce the effect of financial contributions on the integrity of our elections and our government.
- D. This chapter is intended to compliment and be consistent with chapter 42.17A RCW as enforced by the Washington State Public Disclosure Commission. In the event of a conflict between this chapter and chapter 42.17A RCW, state law controls.
- E. The City of Spokane has a strong governmental interest in preventing corruption, and the appearance of corruption, in its political processes, such as the election of City officials. This chapter, by strengthening limits on political contributions, therefore serves the City's strong interests in preventing corruption and the appearance of corruption because it reduces the risk of *quid pro quo* arrangements and mitigates the appearance of corruption which is created by the real or potentially coercive influence of large financial contributions on the actions of candidates and elected officials.

- F. It is the intent of the City Council to advocate for campaign finance reforms at the state and federal level.

Section 01.07.005 Definitions

- A. “Agency” means the City of Spokane Contract and Business Standards Compliance Office within the City’s Department of Grants Management and Financial Assistance or its delegate.
- B. “Authorized committee” means the political committee authorized by a candidate for the office of Mayor, City Council Member, or Municipal Court Judge to accept contributions or make expenditures on behalf of the candidate or public official.
- C. “Bona fide political party” means:
1. The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or
2. The country central committee or legislative district committee of a major political party.
- D. “Candidate” means any individual who seeks election to the office of Mayor, member of the Spokane City Council, or Municipal Court Judge, whether or not successfully. An individual is deemed to seek election when he or she first:
1. Solicits or receives contributions;
2. Makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;
3. Announces publicly or files for office;
4. Purchases advertising space or broadcast time to promote his or her candidacy;
5. Makes expenditures or solicits or receives contributions to explore the possibility of seeking election to the office of Mayor, member of the Spokane City Council, or Municipal Court Judge; or
6. Gives his or her consent to another person or political committee to take on behalf of the individual any of the actions in subsections 1, 2, 4, or 5 of this section.
- E. “Caucus political committee” means a political committee organized and maintained by the members of a major political party in the Washington State Senate or Washington State House of Representatives.
- F. “City office” means any elective office established by Section 5 of the Spokane City Charter, namely, Mayor, City Council member, and Municipal Court judge.
- G. “Collectively bargain” means the performance of the mutual obligations of the public employer, including the City of Spokane or the Mayor, and the exclusive

bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours, and working conditions, which may be peculiar to an appropriate bargaining unit of the public employer, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise allowed under Washington state law.

- H. “Continuing political committee” means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.
- I. “Contract” has the same meaning as in SMC 07.06.040.
- J. “Contractor” means any person or entity who has received the award of a contract under SMC 07.06.150 or SMC 07.06.160, submitted a bid or proposal in any form for the award of a contract under SMC 07.06.100, including any other person or entity who seeks the award of the contract and is contesting, appealing or protesting the award of the contract as proposed. The term includes sole proprietors, each general partner in a partnership, members of limited liability companies, and each corporate officer or shareholder holding a controlling interest in a corporation. The term shall also include any subcontractor authorized to provide all or a portion of goods, labor, or services in fulfillment of an award of a contract under SMC 07.06.150 or SMC 07.06.160. This definition does not include the employees of such a person or, if the person is a union, the members of that union.
- K. “Contribution” means a loan, gift, deposit, subscription, forgiveness or indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, sums paid for tickets to fundraising events, the financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent, or anything of value, including personal and professional services for less than full consideration. “Contribution” also includes an expenditure made by a person in cooperation, consultation, or concert with, or at the request of suggestion of, a candidate, a political committee, the person or persons named on the candidate’s or committee’s registration form who direct expenditures on behalf of the candidate or committee, or their agents. “Contribution” does not include:
1. Interest on moneys deposited in a political committee’s account;
 2. Ordinary home hospitality;

3. The rendering of legal or accounting services on behalf of a candidate or an authorized political committee but only to the extent that the services are for the purpose of ensuring compliance with city of state election or public disclosure laws;
 4. The rendering of personal services of the sort commonly performed by volunteer campaign workers;
 5. Incidental expenses personally incurred by campaign workers not in excess of \$25, in the aggregate, during the applicable period, personally paid for by a volunteer campaign worker; or
 6. An internal political communication primarily limited to the members of a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization.
- L. “Designated Treasurer” means the individuals appointed by an incidental committee, responsible for filing and maintaining the incidental committee’s statement of organization with the City of Spokane Clerk’s Office.
- M. “Election for city office” means any primary, general, or special election for city office as defined in this section.
- N. “Elected official” means any person elected by a general or special election to city office as defined in this section, and any person appointed to fill a vacancy in any such office.
- O. “Election cycle” means the first day of January in the year prior to the general election for the office the candidate is seeking, until 14 days after the date of the general election or until the election results are certified, whichever occurs last.
- P. “Entity” means any business corporation, group, union, bargaining unit, agency, nonprofit corporation, limited liability partnership, limited partnership, limited liability company, and general cooperative association.
- Q. “Expenditure” includes 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, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefitting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. “Expenditure” does not include the partial or complete repayment by a candidate, political committee, or incidental committee of the principal of a loan,

the receipt of which loan has been property reported.

- R. “Foreign national” means foreign citizens, not including dual citizens of the United States; immigrants who are not lawfully admitted for permanent residence in the United States; foreign governments; foreign political parties; foreign corporations; foreign associations; foreign partnerships; and any other foreign principal, as defined at 22 U.S.C.s.611(b), which includes a foreign organization or other combination of persons organized under the laws of or having its principal place of business in a foreign country.
- S. “Foreign-owned entity” means any entity, regardless of type of entity, jurisdiction of incorporation, or principal place of business, which is owned 51% or more by a foreign national or a foreign government.
- T. “General election” means an election required to be held on a fixed date recurring at regular intervals.
- U. “Incidental committee” means any nonprofit organization, regardless of purpose, not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in support of, or opposition to, any candidate for city office, whether directly or through a political committee.
- V. “Independent expenditure” means an expenditure that:
1. is made in support of or in opposition to a candidate for city office by a person who is not:
 - A. A candidate for that office;
 - B. An authorized committee of that candidate for that office;
 - C. A person who has received the candidate’s encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office; or
 - D. A person with whom the candidate has collaborated for the purposed of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office.
 2. pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies that candidate without using the candidate’s name; and

3. whether alone or in conjunction with other expenditure(s) by the same person in support of or in opposition to that candidate, has a value of eight hundred dollars (\$800) or more. A series of expenditures, each of which is under eight hundred dollars (\$800), constitutes one independent expenditure if their cumulative value is eight hundred dollars (\$800) or more.
- W. “Person” means an individual, partnership, joint venture, union, bargaining unit, public or private corporation, association, federal, state or local government entity or agency however constituted, candidate, committee, political committee, incidental committee, continuing political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.
- X. “Political committee” means 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, a candidate for Mayor, member of the Spokane City Council, Municipal Court Judge, or any city ballot proposition.
- Y. “Primary election” means a procedure for winnowing candidates for public office to a final list of two as part of a special or general election.
- Z. “Surplus funds” means the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election.

Section 01.07.010 Local Voters’ Pamphlet – Pro and Con Committee Statements

- A. Consistent with state law and the Spokane County auditor’s administrative rules regarding participation in a local voters’ pamphlet as they currently exist or as may be amended, the ((city council)) Spokane City Council shall formally appoint by ((council)) resolution a Pro Committee to prepare arguments advocating voters’ approval of a ballot measure and a Con Committee to prepare arguments advocating voters’ rejection of the measure. A Pro Committee established to prepare arguments advocating voters’ approval of a ballot measure submitted pursuant to an initiative or referendum shall include the sponsor or a representative of the sponsor of the initiative or referendum. A Con Committee established to prepare arguments advocating voters’ rejection of a ballot measure submitted pursuant to an initiative or referendum shall include a representative of any political committee opposing the measure that has filed a C-1 registration statement with the Washington Public Disclosure Commission. All committee members shall be registered voters in the city of Spokane.

- B. Once established, the committees shall prepare arguments for and against local ballot measures to be included in the voters' pamphlet consistent with state law and the Spokane County auditor's administrative rules.
- C. If a local voters' pamphlet is not published and distributed, the City shall participate with the Spokane County auditor's office in the posting of the election information on the County's website or on the City of Spokane's election resources page.
- D. For purposes of this section, the term "measures"~~((Measures shall include))~~includes all ballot ~~((measure))~~measures placed on a local election ballot including measures submitted to the electorate pursuant to the City's initiative and referendum procedure.

Section 01.07.020 Voter Registration & Election Resources

- A. Beginning with the first City of Spokane utility bill of the year in which a city general election is held, ((All)) each utility ((bills))bill shall include voter registration information ((regarding how citizens may register to vote, including applicable))and links to the Spokane County Elections Office and the Washington State Secretary of State websites. ((Inclusion of such information shall not be included if the information would create an additional billing page and related costs.))
- B. The City's website shall host a page devoted to election resources and clearly titled "Voting and Elections". The site shall ~~((have))~~contain information and/or links to information including, but not limited to, voter registration, election dates, online voter pamphlets and guides, the Washington State Public Disclosure Commission, and ballot drop box locations.
- C. The City ~~((administration))~~Clerk's Office shall ~~((designate one department or point of contact to serve as))~~ be the city's election resources center~~((in addition to their duties. The election resources center))~~ and shall ~~((act as))~~be the central location for any information related to city elections including, but not limited to, sample ballots, voter pamphlets and guides, and voter registration forms.

Section 01.07.030 Mandatory Limitations on Campaign Contributions

- A. No candidate for city office, or any political committee acting on behalf of such candidate, shall solicit or accept any campaign contribution in excess of fifty percent (50%) of the applicable contribution limit set by the Washington Public Disclosure Commission from any person in any election for city office.
- B. A candidate for city office, and any political committee acting on behalf of such candidate, shall only accept or receive a campaign contribution during the election cycle in which the candidate will appear on the ballot.

- C. The limitations imposed by SMC 01.07.030(A) shall not apply to a candidate's contributions of his or her own resources to his or her own campaign, or contributions to the candidate's campaign by the candidate or the candidate's spouse or assets of their marital community. If a candidate makes personal contributions to their campaign in aggregate of \$11,500 or more of his or her own funds, including surplus funds from a previous campaign, or independent expenditures are made in support of a candidate or in opposition to his or her opponent in aggregate of \$11,500, all candidates for election to that office may surpass the contribution limits set forth in SMC 01.07.030(A) and may solicit and accept contributions up to the limits allowed by the Washington Public Disclosure Commission. The remainder of this chapter shall apply to all candidates.
- D. Candidate filings with the Washington State Public Disclosure Commission shall constitute the evidence of contributions received during an election cycle for the purposes of enforcement of the penalty for violation.
- E. The provisions of SMC 01.07.030(C) regarding contributions of personal resources shall not apply to loans made to the candidate's campaign.
- F. Surplus funds, as defined by SMC 01.07.005, from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus campaign funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus campaign funds.

Section 01.07.040 Prohibition on Campaign Contributions by Contractors

- A. No City of Spokane elected official or any candidate for city office, or any political committee acting on behalf of such elected official or candidate, shall knowingly solicit or accept any contribution directly or indirectly from any contractor who, in the two years prior to the election cycle has earned or received more than fifty thousand dollars (\$50,000) under a contractual relationship with the City. No City of Spokane elected official, candidate for city office, or any political committee acting on behalf of an elected official or candidate for such office, shall knowingly solicit a contribution for himself or herself or for any political party, political committee, incidental committee, or campaign committee, directly or indirectly from any contractor who in the prior two years has earned or received more than

fifty thousand dollars (\$50,000) under a contractual relationship with the City.

- B. No City of Spokane elected official, candidate for city office, or any political committee acting on behalf of an elected official or candidate of such office, shall knowingly solicit or accept any contribution from a contractor during a contract award period. If a City of Spokane elected official or candidate for city office or a political committee acting on their behalf unknowingly accepts a contribution from a contractor during a contract award period, it shall be the duty of the elected official or candidate for such position or political committee acting on their behalf to return the contribution within ten (10) days after he or she becomes aware of the violation.
- C. It is a violation of this chapter for a contractor or its subsidiary(ies), parent company or affiliate(s), to reimburse an employee, officer, director, or partner of such contractor for political contributions in support of a candidate for city office.
- D. Contributions made or solicited prior to the effective date of this ordinance is not a violation of this ordinance.
- E. The receipt of legal campaign contributions by the Mayor, member of the Spokane City Council, a Municipal Court Judge, or a candidate for city office shall not be considered a conflict of interest as defined by Spokane Municipal Code 01.4A.030 when approving and executing contracts on behalf of the City of Spokane.

Section 01.07.050 Disclosure of Campaign Contributions by City Bargaining Units

- A. All entities who collectively bargain with the City of Spokane on behalf of its membership shall submit information on all bargaining unit contracts prior to signatures and approval by the City Council listing the dollar value of campaign contributions donated to any current City of Spokane elected official, the dollar value of campaign contributions donated to a political committee acting on behalf of a current elected official or has donated to any current City of Spokane elected official or has made independent expenditures in support or against any current City of Spokane elected official, or the dollar amount of the campaign contributions given to an incidental committee that has given campaign contributions to any current City of Spokane elected official or has made independent expenditures in support or opposition to any current City of Spokane elected official.
- B. The receipt of legal campaign contributions by the Mayor, a member of the Spokane City Council, or a Municipal Court Judge shall not be considered a conflict of interest as defined by SMC 01.4A.030 when approving and executing bargaining agreement contracts on behalf of the City of Spokane.

Section 01.07.060 Identification of Contributors Required

Any entity that makes campaign contributions to a candidate for city office, independent expenditures for or against a candidate for city office, or for or against a City ballot measure shall have an active registration with the Washington Secretary of State or equivalent state agency of the donors' headquarters or primary location.

Section 01.07.070 Disclosure by Political Committees

- A. In addition to the requirements of RCW 42.17A.320, a political committee making independent expenditures in support or opposition to a candidate for city office or in support or against a City of Spokane initiative or referendum shall identify the three persons or entities making the largest contributions in excess of five hundred dollars (\$500) during the twelve-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public.
- B. For any political committee or incidental committee that qualifies as one of the top three contributors identified under (a) of this section, the top three contributors to that political committee or incidental committee during the same period shall be identified, and so on, until the individuals or entities other than political committees or incidental committees that have contributed the most to all political committees or incidental committees involved with the advertisement have been identified.
- C. The political committee's advertisement must then list the top three individuals or entities other than political committees or incidental committees contributing in excess of five hundred dollars and making the largest aggregative contributions among all those identified under this section.
- D. The top three individuals or entities shall be listed "Top Individual Contributors" immediately under the disclosure requirements of RCW 42.17A.320.

Section 01.07.080 Contributions by Incidental Committees

- A. An incidental committee must file a statement of organization with the City of Spokane's City Clerk's Office within two weeks after the date the committee has the expectation of making payments, contributions, including in-kind contributions of staff time and office-related equipment, resources, and rent to an affiliated committee, or expenditures of at least five thousand dollars (\$5,000) in any election cycle, or to a political committee or an incidental committee.
- B. An incidental committee's statement of organization shall include the following:

1. The name and address of the committee, its officers, its designated treasurer, and any affiliated persons or committees;
 2. The names of any candidates supported or opposed by the committee and the office the candidate is seeking;
 3. Any City of Spokane initiative or referendum supported or opposed by the committee;
 4. Names of the ten largest aggregate contributions received in the current calendar year from a single person of five hundred dollars (\$500) or greater, including any persons tied as the tenth largest source of contributions received.
- C. If an incidental committee first meets the criteria of SMC 1.07.080(A) in the last three weeks before an election, then it must file the statement of organization with the City of Spokane's City Clerk Office within three business days.
- D. An incidental committee shall update their statement of organization when the committee has received a contribution that would change the information required under SMC 1.07.080(B)(4) or made any expenditures or commitment of expenditures directly or indirectly in support of or in opposition to any election campaign or to a political or incidental committee in which the total exceeds two hundred dollars (\$200) since the last report.
- E. The City of Spokane shall publish the incidental committee's statement of organization on the City's election resources website within five business days of receipt and shall be made publicly available for viewing in-person within two business days of receipt.

Section 01.07.090 Contributions by Foreign-Owned Corporations

All entities making contributions to City of Spokane elected officials or any candidate for city office, or any political committee acting on behalf of such elected official or candidate shall provide certification to the receipt of the donation at the time of the donation that the entity is not a foreign-owned entity as defined by SMC 01.07.005(S).

Section 01.07.100 Complaints and Investigations – Curing of Violations; Process

- A. Any person who has reason to believe that another person is in violation of the requirements of this chapter may file a complaint with the Agency. The Agency may also, on its own initiative, investigate or audit the records or documents of any person the Agency believes may be in violation of this chapter.
- B. Upon receiving a complaint under SMC 01.07.100(A), the Agency shall, within five (5) days, send a written Notice of Violation ("NOV") to the person accused of

the violation, stating the asserted factual basis for the allegation. NOV shall also be sent by email to the address listed on the committee or candidate's C1. The person receiving a NOV shall respond within five (5) days, with either documentation that there was no violation or that the violation has been cured.

- C. A violation of SMC 01.07.070 may be cured by publishing on the city's website and in a newspaper of general circulation in the Spokane area the names of the top three persons or entities making the largest contributions in excess of five hundred dollars (\$500) during the twelve-month period preceding the date on which the advertisement is initially published or otherwise presented to the public.
- D. Upon reviewing the complaint and the response, if any, the Agency shall determine whether (i) there is reasonable cause to believe that a violation of this chapter has occurred or is occurring, or (ii) that the violation has been cured, and shall notify the complaining person and the accused person in writing of that determination. The Agency shall strive to reach a determination as to whether a violation has occurred within 30 days of its receipt of a complaint.
- E. It is a violation of this chapter to fail or refuse to provide documents or access to documents requested by the Agency in the process of investigating a possible violation of this chapter.

Section 01.07.110 Enforcement

- A. Unless otherwise specified herein, violation of the requirements of this chapter is a class 1 civil infraction.
 - 1. Each day in which a person remains in violation of SMC 01.07.030, 01.07.040, 01.07.060, 01.07.080, or 01.07.090 constitutes a separate class 1 civil infraction.
 - 2. Each communication made in violation of SMC 01.07.070 constitutes a separate class 1 civil infraction. For purposes of this section, "communication" means the sending of a single piece of direct mail or the actual airing of a single radio, television, or digital video advertisement.
- B. If the Agency determines, pursuant to SMC 01.07.100(C), that a violation of this chapter has occurred or is occurring, the Agency shall refer the matter to the City Attorney's or City Prosecutor's office for the filing of a civil infraction(s) pursuant to chapter 01.05, SMC. In any action brought to enforce this chapter, the court may order the return of any contributions received in violation of this chapter and the city may recover all costs of investigation, in addition to any other remedies allowed by law.
- C. When referring an enforcement action to the City Attorneys' office or City Prosecutor's office, the Agency shall also notify the person subject to the NOV

that they are ineligible to receive contributions until such person comes into compliance with this chapter or until the matter is determined by the Municipal Court, whichever occurs first.

Section 01.07.120 Limitations Period

A person filing a complaint under SMC 01.07.100 may do so only until May 31 of the year following the election cycle to which the complaint pertains. It is an affirmative defense to any enforcement action taken under this chapter that the complaint was filed beyond the limitation period stated in this section. By way of illustration only, a complaint alleging a violation of this chapter which occurred in 2019 must, in order to be timely, be filed on or before May 31, 2020.

Section 01.07.130 Publicity

The Agency shall, in conjunction with the City Clerk's office, publish on the City's website in a location in common with all other election resources:

1. Each NOV issued by the Agency, including the date of issuance, identity of both the complaining person and the person alleged to have violated this chapter, and the final disposition of the NOV;
2. Notices of ineligibility for contributions required under SMC 01.07.110(D), including the beginning and end dates of the ineligibility; and
3. The additional disclosures permitted under SMC 01.07.100(C) to cure a violation of this chapter.

Section 01.07.140 Severability

If a court of law determines that any provision of this chapter is void or of no legal effect, the offending provision(s) shall be deemed struck from this chapter and the remainder of the chapter shall continue unaffected.

Section 01.07.150 Annual Reporting

Beginning in 2019 and on an annual basis thereafter, the Agency shall make a report to the City Council and shall cause a copy of that report to be posted on the City's election resources web page, concerning the number and type of complaints made, investigations undertaken, and actions taken to enforce the provisions of this chapter.

Section 2. That section 07.06.500 of the Spokane Municipal Code is amended to read as follows:

Section 07.06.500 Bidder/Contractor Responsibility Criteria (Mandatory)

Before contract award, the bidder shall meet the following bidder responsibility criteria to be considered a responsible bidder. The bidder may be required by the City of Spokane to submit documentation demonstrating compliance with the criteria. The bidder and all subcontractors included in the bid must:

- A. Have a current certificate of registration as a contractor in compliance with chapter 18.27 RCW, which must have been in effect at the time of bid submittal;
- B. Have a current Washington Unified Business Identifier (UBI) number;
- C. If applicable, show proof of:
 - 1. Industrial insurance (workers' compensation) coverage for the bidder's employees working in Washington, as required in Title 51 RCW;
 - 2. A Washington employment security department number, as required in Title 50 RCW; and,
 - 3. A Washington department of revenue state excise tax registration number, as required in Title 82 RCW; and,
- D. Demonstrate that they are not disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3).
- E. Shall affirm and certify that they will not violate any local, state, or federal labor laws or standards during the course of performing work under the City contract.
- F. Shall affirm and certify that the bidder will comply with and notify its principals and subcontractors of the provisions of the Spokane Fair Elections Code, chapter 01.07, SMC.

Section 3. That there is enacted a new section 07.08.149 of the Spokane Municipal Code to read as follows:

Section 07.08.149 Transparent Democracy Fund

There is established a special revenue fund to be known as the "Transparent Democracy Fund" into which shall be deposited funds from Spokane Fair Elections Code infractions. The fund will be used to offset any costs associated with the administration of the Spokane Fair Elections Code.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date