

**Seattle Ethics and Elections Commission Regular Meeting
May 2, 2012**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on May 2, 2012 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Bill Sherman called the meeting to order at 4:03 p.m. Vice-Chair Tarik Burney and Commissioners Bruce Carter and David Mendoza were present. Commissioners Rich Cohan, Lynne Iglitzin, and Amit Ranade were absent. Executive Director Wayne Barnett and staff members Anthony Adams, Bob DeWeese, Kate Flack, Polly Grow and Gary Keese were present. Assistant City Attorney Jeff Slayton was also in attendance.

1) Public Comment

Craig Salins from Washington Public Campaigns (WPC) told the Commission that he was heartened by Councilmember O'Brien's proposals addressing the issue of money in politics. While WPC's board had not had time to review the proposals and take a formal position, Mr. Salins indicates that WPC generally supports action along the lines of those proposed in the Council's memo to the Commission. He said that Seattle has always been a pacesetter, and he said that the country has got to find ways to return our elections to where money does not play such a dominant role. Mr. Salins told the Commission that when Councilmember Compton resigned, approximately a dozen highly qualified candidates applied to fill the seat. Yet we never see that many candidates running for office. Mr. Salins said that the need to constantly raise money keeps candidates from seeking office.

Rahwa Habte from OneAmerica read a statement applauding the efforts of Councilmembers O'Brien, Burgess and Clark. She said that these were strong proposals that warranted the Commission's attention. She said that OneAmerica was not yet in a position to

take a position on the proposals. In response to a question from the Chair, Ms. Habte said that having four years to raise funds is an advantage for incumbents.

John King, WPC's board president, told the Commission that the proposed change would help to change the relationship between officeholders and the public.

Discussion Items

4) Request from City Council for advice on possible changes to the Elections Code

The Chair asked Mike Fong from Council Central Staff to present the proposal. Mr. Fong made it clear that he was not there as an advocate for the proposal, but as someone who had done the research and who was asked to get the Commission's advice. He said that the nine councilmembers had a range of views on the proposal, but that they were united in the desire to get input from the Commission.

Mr. Fong directed the Commissioners to the wealth of historical data before them – and thanked Commission staff members Bob DeWeese and Polly Grow for their work amassing the raw data – but cautioned the Commissioners on relying on that information to predict the future. Mr. Fong said that the goal of the proposal was to reduce corruption or the appearance of corruption. He said that the proposals could have secondary effects, but the Council was focused on reducing corruption or the appearance of corruption.

The Chair said that he was sympathetic to the goals, but strongly counseled that the City approach these issues with caution, and give the proposal a close look. What are the potential unintended consequences? Would the limited fundraising window amplify other advantages for incumbents? And what new ecosystem would the proposals create? When we pull on a string, does it tangle some other part of the sweater?

The Chair said that he wanted to hear more from the public, and give the proposals a rigorous review. He said that he wanted to consider the proposal with a full complement of commissioners available to talk about the best way to tackle the questions that the Council was asking. He said that maybe the City should consider creating a task force not unlike the public financing task force that had been created several years ago.

Commission Carter said that he had no knowledge of the rhythms of a campaign, and said that he'd want to hear from someone who had been through a campaign before advising the City Council. He also asked the staff to try to gather information from other jurisdictions on any unintended consequences that they had suffered. Commissioner Mendoza queried that he was unsure whether January was an appropriate start date.

The Vice Chair said that he was skeptical of the idea that incumbents would raise less money in the shorter window. He said, though, that he was more sympathetic to the restrictions on rollovers. Commissioner Mendoza said that he found the time limit very persuasive. He said that he favored dispelling any linkage between official acts and fundraisers.

In response to a question from staff, the Chair said that he was not looking for a staff recommendation on the changes, but did want all of the data that the staff could collect. He also wanted to know whether staff had any practical concerns with implementing either of the proposals. Mr. Fong again cautioned the Commission not to expect conclusive data.

Action Items

2) Approval of minutes April 4, 2012 meeting

The Executive Director told the Commission that the April minutes would be available for review at the June meeting.

3) Decision on enforcement of SMC 2.04.265.B in light of 9th Circuit's *Family PAC* decision.

The Executive Director told the Commission that the State had not appealed the court ruling that the State bar on large contributions in the final days of a campaign was unconstitutional. The City's comparable provision is still on the books, and the Executive Director recommended that the Commission direct him not to enforce the provision, and to work with the City Council to try to get the provision repealed.

Commissioner Carter made a motion directing the Executive Director not to enforce the limit in the City's Elections Code, and to work with the City Council on repealing the Code provision. Commissioner Mendoza seconded, and the motion carried unanimously.

***New Item**

The Executive Director asked whether the Commission wanted to waive the attorney/client privilege on a memo they had received from Mr. Slayton regarding fund transfers.

Commissioner Mendoza made a motion to do so, which Commissioner Carter seconded. The Chair said that in this case it make sense to let the public know why the Commission took the action that it took. The motion carried unanimously

Discussion Items

5) Executive Director's Report

The Executive Director reported that approximately 96 percent of City employees who were required to file financial interest statements had done so. He said that work would now begin tracking down the late filers.

The Executive Director noted that the office's report on missing funds at Van Asselt had garnered a lot of attention.

The Regular Commission meeting for May 2, 2012 adjourned at 5:00 p.m.