

Seattle Ethics and Elections Commission Special Meeting

October 30, 2013

A special meeting of the Seattle Ethics and Elections Commission convened on October 30, 2013 in Room 4070 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Bill Sherman called the meeting to order at 4:00 p.m. Commissioners Brad Axel, Lorena González and David Mendoza joined the meeting by telephone. Executive Director Wayne Barnett and staff members Anthony Adams, Polly Grow, Kate Flack and Chris Thomas were present. Assistant City Attorneys Jeff Slayton and Sara O'Connor-Kriss were also in attendance.

Action Item

1) Settlement with Civic Alliance for a Sound Economy

The Executive Director introduced the settlement, telling the Commission that CASE had acknowledged accepting a contribution from Vulcan that had been earmarked for the People for Ed Murray (PEM), an independent expenditure committee. In doing so, CASE had committed two violations of the Elections Code: (1) concealing the source of a contribution to PEM, and (2) causing Vulcan to be omitted from the list of PEM's top five contributors. The parties had agreed to a penalty of \$1,500, with half that amount suspended provided that CASE committed no material violations of Seattle's Elections Code through the 2015 election cycle.

Commissioner Axel asked how the Executive Director arrived at the penalty, and he said that he thought the violation was less egregious than, though similar to, one committed by an independent expenditure committee that had advocated for the election of Joe Mallahan in 2009. In that case, the Commission had penalized the committee \$5,000 with half suspended.

Commissioner González asked whether CASE had committed any violations of Seattle's Elections Code previously, and the Director said that they had not.

The Chair asked about finding of fact #13, which read: "Except as set out above, there is no evidence that any CASE contributor sought to instruct any CASE representative that a contribution be used to support any specific candidate." He asked whether that had been something the staff had established through its investigation, or if there was instead simply an absence of evidence establishing other violations. The Director replied that there was an absence of evidence, and the Chair said that in that case he thought the finding was written too broadly.

Ben Stafford from Perkins Coie said that CASE was improving its processes going forward, and takes its compliance obligations very seriously.

The Chair asked the Executive Director whether there was evidence of intent to conceal. The Director said that was not his assessment.

Gary Manca from the McGinn for Mayor campaign said that he appreciated the Commission's resolution of the complaint before the election, so that voters would have access to this information.

The Chair said that he believes the Commission's practice of resolving complaints before Election Day is incredibly important, and thanked the staff for expediting its review so that the Commission could act on the violation in a timely fashion.

Commissioner Gonzales made a motion to approve the settlement, which Commissioner Axel seconded. The vote to adopt the settlement was unanimous.

The Special Commission meeting for October 30, 2013 adjourned at 4:15 p.m.