



VIA ELECTRONIC MAIL ONLY

August 31, 2017

Director Wayne Barnett
Seattle Ethics & Elections Commission
Seattle Municipal Tower
700 5th Ave, Suite 4010
PO Box 94729
Seattle, WA 98124-4729

Re: Response to Complaint by David Preston (*former candidate for Seattle City Council Position 9*)

Dear Director Barnett:

Thank you for your email notifying my campaign of former candidate David Preston's recent complaint alleging that I did not participate in three public debates prior to the 2017 primary election as required by SMC 2.04.630(b) to ultimately qualify for the City's inaugural Democracy Voucher Program. I take this allegation very seriously and submit this letter as a formal response to those allegations, which I deny.

The "Three Public Debate" Requirement

SMC 2.04.630(b) states, in relevant part that to qualify for the voucher program a candidate "shall take part in at least three public debates for primary and general elections each" as defined by the Seattle Ethics & Elections Commission.¹ The municipal code does not define "public debates." That term is defined, as follows, in the Seattle

¹ SMC 2.04.630(b) also provides an exception to the three public debate requirement, which provides that the "SEEC may waive or reduce the number of debates, if a qualifying candidate makes all reasonable efforts to participate in debates and similar public events." While I assert that my campaign has satisfied the three public debate requirement, if the SEEC disagrees with my position, it is legally authorized to modify the three-public debate requirement when reasonable efforts were made to participate in debates or similar public events. As the only incumbent running for Seattle City Council, it is often the case that City business conflicts with campaign-related events. In those instances, my availability for certain public debates were impacted by my obligation to attend to city-related business.

Ethics and Elections Commission Election Code Rules filed with the City Clerk on December 8, 2016, in Rule 16.B: “A debate is a live event, open to the general public, at which all the candidates in a particular race have an opportunity to respond to questions. Each candidate must be given an equal opportunity to participate.”

I believe that the spirit of this requirement is intended to encourage openness and accessibility of candidates to the public, particularly to historically underrepresented electorate constituencies; an intent that I wholly believe in and support. I, accordingly, strongly disagree with the assertion that my campaign did not fulfill the three public debate requirement as Mr. Preston asserts based on the foregoing reasons and analysis.

The Campaign Has Satisfied the Three Public Debate Requirement

First, pursuant to the SEEC’s requirements, on August 10, 2017, my campaign provided to the SEEC a list of three public debates that I attended before the August 1, 2017 Primary Election. I believe that this submission satisfies the requirements of SMC 2.04.630(b).

Second, in addition to the public forums disclosed on August 10, I also attended the following open-to-the-public events as a candidate for Seattle City Council, Position 9:

Additional Public Forums Invited to & Attended by Candidate González

1. May 10, 2017: 34th District Democrats Endorsement Meeting
2. May 15, 2017: UW Women of Color Candidate Forum
3. June 4, 2017: King County Young Democrats Endorsement Meeting
4. June 22, 2017: 37th District Democrats Endorsement Meeting
5. June 23, 2017: King County Democrats Endorsement Meeting
6. June 25, 2017: 46th District Democrats Endorsement Meeting
7. July 25, 2017: Delridge Neighborhoods District Council and Highland Park Improvement Club Candidate Forum

To the best of my recollection, these events were structured essentially the same: candidates present were provided up to 2 minutes to provide attendees with an oral introduction and the reasons why the candidate is seeking a position on City Council.² These events also involved “meet and greet” opportunities both before and after the speaking portion of the program.

² This is true with the exception of the UW Women of Color Candidate Forum, which was structured as a panel discussion.

As a candidate and campaign, we strongly believe that it should not be the campaign's burden to regulate third-parties who organize a forum or debate for compliance with Rule 16.B. The existing definition effectively requires the campaign to heavily vet each "debate" invitation prior to accepting the invitation to assess on its own whether the event is a qualifying debate under SMC 2.04.630(b). That vetting process would require that the campaign obtain from each third-party a certification, verification and/or documentary evidence that the event is (1) open to the general public (as opposed to just their membership), (2) all the candidates in a particular race will have an opportunity to respond to questions, and (3) every candidate has an "equal opportunity" to participate. And even under those circumstances an event could still be challenged leaving the candidate in a precarious position when evaluating and accepting campaign event invitations. Rule 16.B effectively imposes upon candidates a new administrative burden that does not exist in the base language of the municipal code. I respectfully request that the SEEC revisit Rule 16.B and revise it to better reflect the realities facing candidates on the campaign trail. In other words, it is a campaign's function to receive invitations and accept or deny those invitations based on the candidate's availability and campaign value. It is not and should not be the campaign's responsibility to delve into a third-party's method of organizing and structuring the programmatic aspects of a public debate before accepting an invitation to sit with members of that affinity group.

Alternatively, should the SEEC determine that Rule 16.B does not need to be revisited, I would submit that, as a best practice, the Commission consider providing candidates a list of qualifying public debates that candidates may participate in to meet the additional requirements in Rule 16.B or that the Commission host three qualifying debates in the primary and the general to provide all candidates with an opportunity to meet the three debate requirement.

Conclusion

For the aforementioned reasons, I submit that the Elect Lorena campaign for Seattle City Council, Position 9, has satisfied the plain language requirements of SMC 2.04.630(b). Upon your request, I am available to appear before the Commission at your next meeting on September 6, 2017, to further discuss this matter and to defend our assertion that we have fully met the requirements of the democracy voucher program. In any event, with the General Election just eight weeks away, I respectfully request that the SEEC provide my campaign with a ruling on or before September 15, 2017, so that we may plan our campaign finances accordingly.

Should you have any additional questions for me or require my attendance at the Commissions September 6, 2017, meeting, please do not hesitate to contact my campaign at info@electlorenagonzalez.com or (206) 395-5033.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Lorena González', written in a cursive style.

M. Lorena González
Candidate for Seattle City Council, Position 9 (Citywide)