City of Seattle
Ethics and Elections Commission

April 28, 2014

Dear *******:

On March 12, 2014, you lodged a complaint with our office alleging violations of the Ethics, and Lobbying Codes by Councilmember Kshama Sawant, and violations of the Elections Code by Socialist Alternative and 15 Now. This office has completed a preliminary inquiry into the allegations, and for the reasons that follow I am dismissing your complaint.

1. Alleged violations of SMC 4.16.070.2 – Misuse of Position and Facilities

You believe that in her pursuit of a $15 minimum wage, Councilmember Sawant has violated the Ethics Code. The Ethics Code, though, does not intrude on Councilmember Sawant's strategic decisions about how best to accomplish her legislative goals. The Councilmember has been working to build broad public support for her minimum wage proposal, and has been relying on organizations, namely 15 Now and Socialist Alternative, to mobilize the public to exert pressure on City government to enact an ordinance imposing a $15 minimum wage. While the Councilmember's methods may strike some as unconventional, that does not mean they are illegal.

2. Alleged violations of the City's Lobbying Code

In 2008, Seattle enacted a Lobbying Code requiring all individuals who were paid to try to influence the Mayor and the City Council on legislation to register with the Commission. The law specifically exempts from the definition of lobbying "[c]ommunications or other actions by any City officer or employee or agent acting within the scope of his or her employment authority or contract with the City."

Based on that exemption, Councilmember Sawant does not need to register as a lobbyist.

3. Alleged violations of the Elections Code

You allege that 15 Now and Socialist Alternative are required to file as political committees under the City's Elections Code. The Elections Code defines a political committee as "any person (except a candidate or an individual dealing with his own funds and property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or ballot proposition." SMC 2.04.010.

700 FIFTH AVENUE, SUITE 4010, P.O. BOX 94729, SEATTLE, WASHINGTON 98124-4729
(206) 684-8500 FAX (206) 684-8590
An equal employment opportunity employer

None of the press reports you enumerate in your complaint trigger registration and reporting as a political committee. The *threat* of a ballot measure as a tool to focus the attention of those engaged in the legislative decision-making process is not the same thing as an active effort to get a ballot measure before the voters. I note, though, that since you filed your complaint, Vote 15 Now has registered with the State Public Disclosure Commission and with this Commission to promote a $15 minimum wage ballot measure. We plan to monitor the activities of all entities that engage on this issue to ensure that any entities that do meet the definition of political committee register and report with our office.

Conclusion

Thank you for registering a complaint with our office. We rely on individuals like you to help us ensure that City government operates lawfully. If you would like to appeal this dismissal, you may do so under the Commission's Administrative Rule 4.[1]

Very truly yours,

Wayne Barnett
Executive Director

---

[1] Rule 4 APPEALS

A. Upon the written request of a party aggrieved by the Executive Director's decision to dismiss a complaint, or to impose late-filing penalties under SMC 2.04.330, the action may be reviewed by the Commission.

B. An appeal of a dismissal shall be served at the Commission's office no later than 21 days after the date of mailing the decision of which review is sought....

D. A request for review shall state the grounds therefor, and shall be no longer than twelve 8-1/2" x 11" double-spaced pages in length with margins of at least 1" on every side, and no more than 12 characters per inch.

E. When an appeal is filed, the Executive Director's decision shall not be final until the Commission has acted on the appeal.

F. The Commission shall act on the request at the next meeting at which it may be practicable by:

1. deciding whether to review the Executive Director's decision; and

2. if it decides to do so, either affirming, reversing, or amending the decision.

G. In reviewing the Executive Director's decision, the Commission shall base its review on whether the Executive Director had a rational basis for the decision, and shall only reverse or amend a decision to the extent that a rational basis is lacking.

cc: Seattle Ethics and Elections Commission
Councilmember Kshama Sawant