City of Seattle
Ethics and Elections Commission

October 27, 2014

Re: Case No. 14-2-1006-1

Dear *****:

On October 6, 2014, you filed a complaint with our office alleging that the Office of Arts and Culture unlawfully promoted I-594, a state ballot measure, when it funded a short film on gun violence. (I-594 would require background checks on certain firearm sales.) For the reasons that follow, I am dismissing your complaint.

**LAW**

SMC 2.04.300 provides that "[n]o elected official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person or to any office or for the promotion of or opposition to any ballot proposition."

There is an exception in the law for "[a]ctivities that are part of the normal and regular conduct of the office or agency."

**FACTS**

In June, after a spike in violent crime, Mayor Murray announced the Summer of Safety Initiative. As part of the Initiative, the Mayor directed City departments to identify projects that would engage the community in discussions surrounding violence and community safety.

Between July 8 and August 31, the Office of Arts & Culture (OAC) took applications through its smART ventures program for projects that would "use the arts to address safety and non-violence within our communities." John Longenbaugh submitted an application dated July 23, 2014 for a $500 grant to film a short script of a play he had written entitled "The Statistician." The short film features four characters, and ends with one character – the statistician – shooting another character.

In total, OAC received five applications for summer of safety-related projects. Two OAC staff members reviewed the applications.

The reviewers told the SEEC's investigator that they read the script and discussed whether the project addressed the issue of violence in the community, could include multiple

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views on gun violence, and would engage communities. While they were aware of the ballot measures taking two different positions on gun regulation, they told the SEEC that they reviewed the proposal not for its political viewpoint rather to determine whether it fulfilled the Initiative's objective.

In the end, OAC funded three of the five projects, including "The Statistician," with each receiving a $500 grant.

**ANALYSIS**

None of the evidence gathered by this office suggests that one of OAC's purposes in funding "The Statistician" was to promote or oppose either of the gun-related measures on the ballot this November. And while the film itself does center on a random act of gun violence, the fact that there are gun control-related measures on the ballot does not preclude the City from taking steps to address the problem of gun violence in Seattle.

While the Commission in *In re Nickels* was willing to infer from the evidence collected an intent to promote the Mayor's reelection effort, I do not find here sufficient evidence to draw such an inference. The Mayor was marshalling City agencies to deal with a rise in violence in the community, and this $500 grant was a "normal and regular" result of that effort.

**CONCLUSION**

Thank you for bringing this matter to our attention. If you would like to appeal this dismissal to the full Commission, you may do so under Administrative Rule 4.[1]

Very truly yours,

Wayne Barnett
Executive Director

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[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.

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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.