Nick Licata
Seattle City Councilmember

October 20, 2015

MEMO

From: **Councilmember Nick Licata**

To: **Executive Director Barnett, Chair Carter, and Members of the Ethics and Elections Commission**

Public trust in the integrity of our elections is of paramount importance for the health of our civic life, and our democratic system of governance.

I find allegations reported in the Seattle Times deeply disturbing. News reports allege an employee of the Triad Development Group approached a candidate for office and offered to make a potential $200,000 independent expenditure "go away," in exchange for settling a lawsuit.

It appears these alleged actions may not be clearly and unambiguously prohibited under the city Elections Code. If so, this loophole must be closed: even an appearance of potential corruption deeply damages our civic life.

It is understandable that this alleged circumstance is not explicitly prohibited. Until recently, independent expenditures were not a prominent feature of Seattle elections: from 1999 to 2007, independent expenditures in all Seattle election races averaged less than $100,000 per election, total. In 2013, by contrast, we saw $570,658 spent, mostly in the Mayor's race. The 2013 spending record has been broken in 2015 Council elections.

This trend in the size of independent expenditures suggests these alleged activities could be repeated, unless the city Elections Code is amended. Current Seattle election law does not appear to address *potential* independent expenditures, and any potential quid pro quo that could result from those potential expenditures *not* being made.

Public trust is undermined by the lack of a clear, unambiguous prohibition in the Seattle Ethics and Elections Code of these activities that could be construed as unethical coercion at best, extortion at worst. Clear lines must be established.

I am requesting that the Ethics and Elections Commission propose amendments to the Ethics and Elections Code to clearly and unambiguously prohibit similar activity in future Seattle elections.

It is ironic that former King County Prosecutor Christopher T. Bayley is releasing a book this month entitled *Seattle Justice: the Rise and Fall of the Police Payoff System in Seattle*. The corruption scandals of over a generation ago show we must be vigilant in safeguarding city ethics.

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