



November 17, 2017

BY E-MAIL ONLY

Re: Case Nos. 17-2-1013-1 and 17-2-1105-1

Dear *****:

On October 13, we received your written complaint alleging that Council Position #9 candidate Lorena González posted an invitation to an October 25 event at which those who brought Democracy Vouchers would receive a free beer, and on November 5 we received your complaint alleging that Ms. González was misusing Replacement Voucher Forms by writing her name in the Candidate Name area of the Democracy Voucher Replacement Form for Campaigns, and leaving pre-filled forms out on literature tables at forums after leaving the venue.

For the following reasons, I am dismissing your complaint.

1. October 25 event

On October 10, at approximately 3:00, we received an inquiry about the propriety of offering voucherholders a free beer if they brought their vouchers to a campaign event. We immediately contacted Ms. González's campaign treasurer. The treasurer swiftly grasped the issue, and communicated with the campaign team. Within an hour, the offer of free beer had been rescinded and removed from the campaign posting regarding the October 25 event. In total, the offer of beer for voucherholders at the October 25 event was on the campaign's web page for approximately two hours, two weeks prior to the event.

As the Commission has noted repeatedly this year, the Voucher Program is the first of its kind anywhere in the nation, and campaigns have made mistakes. When a campaign has made a mistake in good faith, and speedily remedied that error – as the campaign did in this case – the Commission has thus far elected not to exercise its fining authority.

2. Mishandling replacement voucher forms

The replacement voucher form is nowhere mentioned in the law. It is a form created by the Commission staff to streamline the process for campaigns when dealing with a potential contributor who has lost their vouchers.

In keeping with the principle that all candidates, especially those in the same race, should be treated the same – Commission staff had communicated with Ms. Murakami's campaign in August after receiving a report that Ms. Murakami was leaving copies of the voucher replacement forms at public events – staff reached out to the González campaign to instruct them

on the proper handling of the replacement voucher form. We received assurances that the campaign would stop writing in the candidate's name on replacement voucher forms and would ensure that all forms were collected by the campaign for submission to the Commission.

CONCLUSION

For the foregoing reasons, I am dismissing your complaint. In these two instances, I find no reason to believe that Ms. González's campaign acted in a way that warrants a rebuke from the Commission. If you are dissatisfied with this dismissal, you may file an appeal under Administrative Rule 4.¹

Very truly yours,



Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission (*complainant's name and address redacted*)
M. Lorena González (*complainant's name and address redacted*)

¹ A. Upon the written request of a party aggrieved by the Executive Director's decision to dismiss a complaint...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.