

**Seattle Ethics and Elections Commission Special Meeting
September 22, 2017**

A special meeting of the Seattle Ethics and Elections Commission convened on September 22, 2017 in Room 4070 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Eileen Norton called the meeting to order by telephone at 2:02 p.m. Commissioners Charlene Angeles, Bruce Carter, Vickie Rawlins, and Hardeep Singh Rekhi were all present by telephone. Vice-Chair Brendan Donckers was absent. Executive Director Wayne Barnett and staff members Rene LeBeau, Polly Grow, Marc Mayo, Jenna Smith and Annie Tran were present. Assistant City Attorney Gary Smith was also in attendance.

1) Petition for release from Spending Limit – People for Jon Grant

2) Petition for release from Spending Limit – People for Teresa Mosqueda

The Chair said the question before the Commission was whether the \$300,000 spending limit had been exceeded “materially,” triggering the ability of a participating Democracy Voucher candidate to be released from the spending limit. She quoted a jury instruction regarding “materiality,” that defined material as “having a natural tendency to influence or capable of influencing an agency’s decisions or activities.” She said that she thought the jury instruction was in line with where the Commission ended up in July when it first ruled on similar petitions for relief from the spending cap. Commissioner Carter said he shared the Chair’s assessment.

Commissioner Angeles asked whether the numbers cited by the campaign were verified, and the Director said that staff had generated the numbers and shared them with both campaigns, and received no objection to the numbers from either campaign.

The Chair then asked the Director for staff’s assessment of the requests. The Director said that he had viewed the recording of the July meeting where the Commission had discussed

materiality. He quoted Commissioner Angeles's comments from that meeting that one vote, one volunteer, one phone call could make the difference, and therefore the materiality threshold is a low one. He also cited Commissioner Carter's comments at the July meeting that equated immaterial with *de minimis*. The Director said that based on his interpretation of the Commission's July decision he thought that both campaigns had satisfied the materiality threshold.

Commissioner Carter asked whether it was possible for a candidate to take any action to bring themselves under the spending limit, such that their opponent would not be able to successfully petition for release. The Director said that the fact that redeemable vouchers are one of the factors in the calculation of the spending limit means that it is beyond a candidate's control to get under the spending limit if they have vouchers available for redemption at the Commission, which both of these candidates do.

The Chair motioned to grant both petitions, and Commissioner Carter seconded. Commissioners Carter and Rekhi, as well as the Chair, all shared that they looked forward to having a more easily administered section on releasing participating candidates from the spending limit in place before the next election cycle.

The vote to grant the petitions was unanimous.

The Special Commission meeting for September 22, 2017 adjourned at 2:13 p.m.