

**Seattle Ethics and Elections Commission Special Meeting  
January 11, 2017**

A special meeting of the Seattle Ethics and Elections Commission convened on January 11, 2017 in Room 1600 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Eileen Norton called the meeting to order at 4:02 p.m. Vice Chair Brendan Donckers and Commissioners Charlene Angeles, Bruce Carter, and Vickie Rawlins and Hardeep Singh Rekhi were in attendance. Commissioners Alexandra McKay and Hardeep Singh Rekhi were absent. Executive Director Wayne Barnett and staff members Kate Flack, Polly Grow, Rene LeBeau, Marc Mayo, Jenna Smith and Annie Tran were present. Assistant City Attorneys Jeff Slayton and Gary Smith were also present.

**1) Public Comment**

There was no public comment.

**Action Items**

**2) December 7, 2016 regular meeting minutes**

The Vice Chair made a motion to adopt the minutes and Commissioner Rawlins seconded the motion. The motion passed 4-0 with the Chair abstaining because she was unable to attend the December meeting.

**Discussion Items**

**4) Seattle Public Library's Request for Advice**

The Chair took Item 4 out of turn because Library staff were in attendance. City Librarian Marcellus Turner said the Library looked forward to receiving the Commission's advice. The Chair said she did not want the Commissioners to discuss how to answer the request just yet, but

invited commissioners to ask questions of the Librarian or Commission staff that they believed would help to answer the questions posed by the Library.

The Vice Chair asked the Librarian whether there were any partisan or campaign organizations that were members of the coalition, and the Librarian said he was unaware of any such members of the coalition.

The Chair asked the Director when he thought draft advice would be ready for the Commission's consideration. The Director said that realistically he didn't expect to be able to have something ready for the Commission until the March meeting.

### **Action Items**

#### **3) Contributions from participating candidates under I-122**

The Chair then returned to the remaining action item on the agenda, a discussion of contributions from candidates participating in the democracy voucher program to their own campaigns.

The Director said that Assistant City Attorney Slayton had prepared the brief explanation of the rules of statutory construction and that staff had prepared the description of how other public financing plans treat this issue. He said that he had talked to several other executive directors of agencies around the country, and that none was aware of any legal rulings on restrictions on candidate contributions under public financing programs.

At 4:12 the Chair took the Commission into executive session to receive legal advice from the Law Department. At 4:32 the Commission came out of executive session.

The Vice Chair said that he saw nothing in the materials related to the 2015 election that indicated the voters had before them restricting candidate contributions. He thought the plain language of I-122 did not indicate any limits on candidate contributions. Commissioner Rawlins

echoed the Vice Chair's comments, saying she saw nothing in writing that caused her to believe that voters believed they were changing the rules. Commissioner Carter said he thought that any limits on candidate contributions should be made legislatively at a later date.

Commissioner Angeles said she thought a reasonable person could construe the language as limiting candidate contributions to \$250. She said thought that at the same time there was no explicit language to that effect. The Chair said the language of I-122 was all outwardly focused—on lobbyists, contractors, and others. She said there were plenty of models the drafters could have looked at and there was no similar language in I-122. She said that at a later date the Commission could take up the issue and recommend some limit to the City Council.

Commissioner Angeles said that the initiative talked about limiting the influence of wealthy donors, and so a reasonable person could construe the intent to be to limit candidates from making large contributions to their own campaigns.

The Chair said she took a pragmatic approach, that if the Commission decided to limit candidate contributions it could deter people from becoming a candidate. She also said that people who could fund their own campaigns would not participate in the program. Commissioner Angeles said she disagreed that it could deter candidates.

The Vice Chair made a motion to determine that there was no limitation in the language of I-122 that limited candidate contributions to their own campaigns. Commissioner Rawlins seconded the motion. The motion carried unanimously.

##### **5) I-122 status report**

Rene LeBeau gave the Commission an overview of spending to date on the program, including the cost of the technology, the printing and mailing of the vouchers, and translation services.

She said that five candidates had registered an intent to participate in the program. No candidates had yet submitted qualifying contributions.

Commissioner Carter asked about the response to the vouchers to date, and whether there was sufficient staff to deal with the volume. LeBeau said that the number had ticked up and was now ticking down. Staffing had not been an issue. She said that the callers were not confused about the program. They know what they did, or did not, like about it.

The Chair asked whether staff was keeping a list of issues that would need to come to the Commission. The Director replied that the issue on everyone's mind was bundling, which is a state issue that will be discussed by the PDC on January 26. The Vice Chair asked whether the PDC would be issuing an opinion on that date and the Director replied that he expected there to be more clarity, if not an opinion, after the meeting.

Commissioner Angeles asked about outreach and Annie Tran provided an update on the media outreach and outreach events staff had done.

#### **6) Executive Director's report**

The Director told the Commission that the PDC was also taking up the question whether Seattle F-1 filers could file the more exhaustive form than the state form. He asked whether commissioners wanted staff to advocate for that at the meeting.

He also announced that Commissioner McKay will need to resign her seat on the Commission, and invited Commissioners to pass along candidates to the Mayor's office.

**The Regular Commission meeting for December 7, 2016 adjourned at 5:20 p.m.**