

**Seattle Ethics and Elections Commission Regular Meeting
June 7, 2017**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on June 7, 2017 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Eileen Norton called the meeting to order at 4:03 p.m. Vice-Chair Brendan Donckers and Commissioners Charlene Angeles and Vickie Rawlins were present. Commissioners Bruce Carter and Hardeep Singh Rekhi were absent. Executive Director Wayne Barnett and staff members Anthony Adams, Polly Grow, Kate Flack, Marc Mayo, Jenna Smith and Annie Tran were present. Assistant City Attorneys Jeff Slayton and Gary Smith was also in attendance.

1) Public Comment

Alex Tsimmerman, Marguerite Richard, and Paula Revere gave public comment.

Action Items

2) Advisory Opinion 2017-02

The Director introduced the opinion memorializing the Commission's motion that the Ed Murray Legal Defense Fund was not consistent with the Ethics Code. Commissioner Angeles asked that the opinion be revised to make clear that it addressed only contributions to the legal defense fund, not campaign contributions. The Chair made a motion to transmit the opinion to the Fund's attorneys, and Commissioner Rawlins seconded the motion. The motion carried unanimously.

3) Judge Karen Donohue and Ed McKenna's Requests for Financial Affairs Statement Reporting Modification

The Chair made a motion to exclude the addresses from the F-1, as the PDC had ruled, and Commissioner Rawlins seconded. Commissioner Angeles asked the basis for the PDC's decision, and the Director replied that since judges are regularly punishing people, their requests

to have their addresses excluded from the record are regularly granted. The Vice-Chair wanted to clarify that the Commission was not creating any categorical exemption for judges, and the Director confirmed that was the case. The Chair called for a vote, and the motion carried unanimously.

4) Mayoral candidate Jenny Durkan's Request for Financial Affairs Statement Reporting Modification

The Chair introduced Ms. Durkan's request as threefold: the first, to exempt her residential address from her F-1, the second, to exempt the names of her children from her F-1, and the third to exempt her from having to list all clients of her law firm.

The Vice-Chair asked whether it was clear whether Ms. Durkan was disclosing all clients of the firm for whom she had done work, whether or not they were clients of the Seattle office. The Chair said there should be a future disclosure required when clients of the firm have business before the City. The Director said that if she becomes mayor she will be subject to the Ethics Code, which would require disclosure in some but not all cases.

The Chair moved that the Commission grant the two safety-related requests, and hold the business-related request until after the PDC had ruled. The Vice-Chair seconded. The motion carried unanimously.

5) Releasing Democracy Voucher candidates from the spending and contribution limits

The Director introduced the topic, saying that the Commission is the decision-making body and the staff needs the Commission's guidance on issues relating to lifting the spending and contribution limits.

Commissioners debated whether it made sense to relieve candidates from the limits just for the duration of the primary election, or whether it made sense to relieve them from the limits for the primary and general election.

The Chair asked what it meant to “materially” exceed the spending limit. She said that to her, \$5,000 was not material. The Director said that the Commission had earlier expressed an interest in waiting until it had a factual record to decide whether the cap had been “materially” exceeded.

Commissioner Angeles said she thought the caps should be reimposed after the primary if they are lifted for the primary. The Chair agreed.

The Vice-Chair pivoted to the question of when the election results are known. The Commission said certification day would be the easiest to administer, but acknowledged that it might be known before certification day who the top two vote-getters were. The Chair deferred to the lawyers to draft a rule.

There was a consensus among commissioners that if the primary spending cap is lifted, it is reimposed the day after the primary.

6) Democracy Voucher contributions by individuals unable to sign their name

Ms. LeBeau said that there is no mechanism in I-122 for dealing with individuals who are unable to sign their ballot because of mobility issues. The Vice-Chair indicated he liked the idea of having a notary verify the assignor’s intent. The Commission discussed what it means for an assignor to show their intent.

The Commission directed that a rule be drafted that endorsed the idea of having vouchers notarized by those unable to sign them.

Discussion Items

7) I-122 status report

Rene LeBeau gave the latest numbers to the Commission, noting that just over 16,000 vouchers had been returned. She also said that the percentage of vouchers coming back from

candidates (as opposed to through the mail) is increasing. She said that the Commission has paid out more than \$227,000 to date. She reported that six candidates in each of the two at-large City Council races had pledged to participate in the program.

She next updated the Commission on the media launch, focusing on three key messages: the names of the participating candidates have been set, replacement vouchers are available, and there is still time to apply to get democracy vouchers.

8) Executive Director's Report

The Director lauded Kate Flack's contributions to the Commission on the occasion of her leaving the Commission. Commissioners thanked Ms. Flack for her service. The Director said the search for Ms. Flack's successor goes on.

The Regular Commission meeting for June 7, 2017 adjourned at 5:26 p.m.