

## Seattle Ethics and Elections Commission Regular Meeting

May 2, 2018

The Regular scheduled meeting of the Seattle Ethics and Elections Commission convened on May 2, 2018 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Brendan Donckers called the meeting to order at 4:03 p.m. Commissioners Charlene Angeles, Nick Brown, Eileen Norton and Vickie Rawlins were present. Commissioner Hardeep Rekhi joined via telephone. Commissioner Bruce Carter was not in attendance. Executive Director Wayne Barnett was joined by staff members Polly Grow, Rene LeBeau and Marc Mayo. Assistant City Attorneys Jeff Slayton and Gary Smith were also in attendance.

### 1) Public Comment

Margaret Morales, who works as a research assistant at the Sightline Institute, informed the Commission that she and Sightline's Director, Alan Durning, conducted a review of the BERK research on the first year of the City of Seattle's Democracy Voucher Program. She said their research shows that there is a good argument to be made for reducing the number and value of the vouchers that Seattle residents receive in 2019. Mr. Durning and Ms. Morales contend that mailing out one voucher, with a value of \$50 would be a more valuable method, allowing more people to participate.

Commissioner Norton was not clear on reasonings behind the suggested changes and asked for an explanation on how they would positively impact future elections. Ms. Morales explained that the spending limit for district positions is half the amount allotted to the at-large candidates during City Council races, so the fear is that a high number of vouchers will not be redeemable under the current system. Based on their projections these changes would ensure a higher usage rate.

## **2) Presentation by BERK Consulting regarding its evaluation of the Democracy Voucher Program**

Kevin Ramsey from BERK Consulting joined the meeting to share his firm's analysis of the Democracy Voucher Program. The BERK Consulting Firm was asked to independently evaluate how effective the program had achieved its four goals for the 2017 election cycle and provide recommendations to improve the program.

The first goal of the Democracy Voucher Program was to achieve a high rate of participation. Goal number two was creating a system of Democracy and accountability. Goal number three was establishing heavy utilization of vouchers by those who have not previously donated to Seattle political campaigns. And goal number four was ensuring high public satisfaction with the program.

Mr. Ramsey said that although the number of contributors appeared to have increased, when the BERK group looked at neighborhoods with predominately residents of color, it appeared that group was underrepresented in comparison to their counterparts in the city at large.

Commissioner Brown asked if there was data available that broke down which areas the vouchers were used most heavily. Mr. Ramsey was uncertain if there was a breakdown of usage within each neighborhood.

Mr. Ramsey then turned to candidate participation. He reported that candidate participation was high, but many candidates did not qualify to receive funding. Of the 17 candidates who participated in the three races, 13 pledged to participate in the Democracy Voucher Program.

Mr. Ramsey shared with the Commission some of the recommendations to help improve the Democracy Voucher Program moving forward. One of the firm's recommendations was streamlining the verification process and creating a mechanism to verify online donations.

Mr. Ramsey also recommended providing an online dashboard for tracking voucher returns and verifications, to assist candidates in planning campaign spending.

Campaigns being released from their spending limits was a huge topic. Mr. Ramsey recommended clarifying and refining the guidelines regarding when the Commission will release candidates from their spending limits.

Mr. Ramsey spoke about the need for high public satisfaction with the program, most specifically raising the public's awareness about the goals and achievements of the Democracy Voucher Program, while also demonstrating that the program is fair and fosters equitable representation by all communities in the City of Seattle. The recommendation was to create a communications plan for the next election cycle, and to continue working with trusted intermediaries to engage communities of color to be more active participants in the program. According to Mr. Ramsey, aggressive outreach is vital to ensuring higher and more diverse participation.

Commissioner Norton said that she had been unaware that some campaigns used paid canvassers to acquire vouchers and qualifying contributions. She felt that process was contradictory to the purpose of the program.

Commissioner Angeles asked for clarification on the statistical analysis regarding the percentage of voucher users based on neighborhoods.

Mr. Ramsey said that BERK's research showed that the percentage of contributors who used vouchers and resided in low income neighborhoods was less than the percentage of cash contributors who lived in these same low income communities.

## **Action Items**

### **3) Minutes of March 9, 2018 Special Meeting**

Commissioner Norton moved to approve the minutes from the March 9, 2018 Special meeting, Commissioner Angeles seconded the motion. The minutes from the March 9, 2018 Special meeting were approved, with Commissioner Rawlins abstaining.

### **3a) Minutes of April 4, 2018 Regular Meeting**

Commissioner Norton moved to approve the minutes from the April 4, 2018 Regular meeting, Commissioner Brown seconded the motion. The minutes from the April 4, 2018 Regular meeting were approved, with Commissioners Angeles and Rawlins abstaining.

### **4) Amendment to Ethics Code's treatment of widely shared financial interests**

The Director introduced some changes to the legislation proposed by the Commission in 2016 regarding widely shared financial interests. The key change was giving the Commission rulemaking authority to elaborate on when a financial interest is widely shared. The only change that was made express was a provision dealing with legislative matters establishing or adjusts assessments, taxes, fees or utility rates.

Commissioner Norton moved to recommend the amendments to the City Council for approval, and Commissioner Rawlins seconded. The Commission voted unanimously to recommend the amendment to the City Council.

### **5) Elections Code amendments**

The Director said that most of the amendments to the sections added to the Elections Code by I-122 were to harmonize the language with the rest of the Elections Code. The biggest substantive changes staff are recommending is (1) to mail vouchers to only active registered

voters, as opposed to all registered voters, and (2) mailing vouchers on March 1 instead of January 1.

The Chair said he found the recommendations reasonable, and felt it was far enough removed from the initial January date to satisfy critics of that date, and still several months away from the filing deadline, which would not impact candidates severely.

Commissioner Norton was also in agreement, adding she felt the election season was currently too long, and this would make it easier on voters.

Commissioner Angeles also supported a March 1<sup>st</sup> mailing, due to the fact most voters are not expecting election-related mail on January 1<sup>st</sup>.

Commissioner Angeles was also interested in any information regarding the difficulties collecting signatures and \$10 qualifying donations. She recommended that staff alert candidates who come in for training of the difficulties faced by some 2017 candidates.

Finally, the Director pointed out that he was recommending makes it explicit in the law that when a candidate is released from the spending limit, they can raise funds privately, but they are not eligible to receive all public dollars up to the spending limit.

Commissioner Rawlins asked the Executive Director about altering the definition of materiality in the Elections Code. The Director said he had introduced the words ‘inadvertent’ and ‘minor’ because those are words the Commission has some experience with in other sections of the law.

Commissioner Norton moved to amend the Elections Code with the updated language discussed, Commissioner Rawlins seconded. The motion to recommend the City Council adopt the substantive changes to the Elections Code was approved unanimously.

**6) F-1 Modification Requests**

The Director said that the Public Disclosure Commission approved modifications for Judges Donohue, Eisenberg and McKenna, but did deny the request for Judge Crawford-Willis, due to the lack of a showing by her that she could suffer harm if she disclosed her address. The Director recommended holding off on a decision regarding Judge Crawford-Willis fate, but approving the requests for the other three judges. The Director also recommended the Commission approve Mayor Durkan's request on the same basis that they had approved her 2017 request.

Commissioner Norton moved that the Commission adopt the requests made by Mayor Durkan, Judge Donohue, Judge Eisenberg, and Judge McKenna, and delay a decision on Judge Crawford-Willis until the Public Disclosure Commission had resolved her issue. Commissioner Brown seconded. The vote in favor of Commissioner Norton's motion was unanimous.

**Discussion Items**

**7) FIS status report**

The Director updated the Commission on the collection of the 2017 Statements of Financial Interest. The Director reported that there was one form outstanding. Once the final form is submitted, the process will be complete.

**8) I-122 status report**

Rene LeBeau updated the Commission on the staff's work to establish a process for validating online contributions, and its work adjusting the qualifying contribution forms so that they look less like petitions.

Ms. LeBeau added that the Democracy Voucher Program was working with Polly Grow on enhancements to the Voucher Program Candidate Training Program for the 2019 elections.

The Chair asked Ms. LeBeau for her take on BERK's analysis regarding outreach to low income neighborhoods and communities of color. Ms. LeBeau replied that she was aware this area needed improvement, and that staff had learned in 2017 that doing that work in house was not optimal. Staff is exploring ways to better partner with other organizations to improve outreach.

**9) Executive Director's report**

The Director reported that he is planning to add a web developer to assist the office's IT professional in handling the high volume of transactions that are likely in the 2019 election cycle. That person would occupy the position currently vacant after the departure of the Commission's investigator last year. To date, Marc Mayo has been successful in managing the investigative workload.

**The Regular Commission meeting for May 2, 2018 adjourned at 6:05 p.m.**