

Seattle Ethics and Elections Commission Special Meeting

July 11, 2018

A special meeting of the Seattle Ethics and Elections Commission convened on July 11, 2018 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Brendan Donckers called the meeting to order at 4:04 p.m. Vice Chair Vickie Rawlins, and Commissioners Charlene Angeles, Nick Brown, Eileen Norton, and Hardeep Singh Rekhi were present. Commissioner Bruce Carter participated via telephone. Executive Director Wayne Barnett was joined by staff members Polly Grow, Rene LeBeau, Marc Mayo, and Annie Tran, and Assistant City Attorneys Jeff Slayton and Gary Smith.

Commissioner Angeles arrived subsequent to the adoption of the minutes for the June 6, 2018 meeting. Commissioner Brown left the meeting following consideration of the two appeals.

1) Public Comment

Bill Caldwell asked the Commission to do something about Councilmember Kshama Sawant's use of City time, paper, ink, and copiers to create signs for her supporters.

Action Items

2) Minutes of June 6, 2018 Regular meeting

The Chair asked for the word "on" to be inserted before "March 1" in the first full paragraph on page 4. Commissioner Norton moved to approve the minutes as so amended from the June 6, 2018 regular Commission meeting, and Commissioner Rekhi seconded. The amended minutes from the June 6, 2018 regular meeting were unanimously approved.

3) Appeal of dismissal of Case No. 18-1-0500 (consolidated)

The Chair invited Joe Kunzler to make his appeal. Mr. Kunzler said that Councilmember Sawant's use of City resources to print posters was a violation of the Ethics Code, and that the

Executive Director's dismissal was in error. The Director told the Commission that Councilmember Sawant was trying to influence legislation, which is the primary job of a legislator. He said the Commission's role is not to judge the methods employed by a legislator, once it's established that there is a City purpose.

Following discussion, Commissioner Norton moved to affirm the Director's dismissal. Commissioner Brown seconded the motion, and the Commission voted unanimously to affirm the Director's decision.

4) Appeal of dismissal of Case No. 18-2-0605-1

The Chair invited Maxford Nelsen to make his appeal. Mr. Nelsen said that eight candidates for Seattle office in 2017 accepted contributions from unions that received money from the City in excess of the limits established by I-122. He said that the Executive Director's dismissal was in error.

Following discussion, Commissioner Norton moved to affirm the Director's dismissal. The Vice Chair seconded the motion, and the Commission voted unanimously to affirm the Director's decision.

5) Democracy Voucher mailing date and voucher value

The Director said that the changes to the Elections Code just adopted by the City Council give the Commission discretion to establish a date for mailing democracy vouchers that is no later than March 1. He said that the staff recommendation was to mail the vouchers on the February 12. There is likely to be an election that day, and staff does not want residents to be confused by getting vouchers at the same time they have a ballot to vote on a different measure. He said there is inherent tension on this issue between the interests of candidates, who would like to begin gathering vouchers as early as possible, and the public, which would like to receive vouchers at a time when they can use them.

The Director noted that a February mailing date was the preference of community organizations that staff had polled.

The Chair asked about creating a path for people to qualify for the program without gathering contributions. The Director said that he was concerned that creating a path to qualifying without gathering contributions would enable candidates to qualify who lacked community support but were tenacious enough to spend days in front of a grocery store. He said he thought that would within a couple of cycles erode public support for the program. He said that he did not intend to understate the barrier of gathering \$10 contributions from community members who don't have \$10 to spare, but that he doesn't see a way to solve that problem without endangering the program.

Commissioner Norton made a motion to mail four \$25 vouchers on February 12, 2019. Commissioner Rekhi seconded. The vote in favor was unanimous.

6) I-122 status report

Rene LeBeau thanked the Commission for deciding on the mailing date.

She said the staff had been conducting a small media campaign advertising that the program was open to candidates as of July 1.

She also noted that staff was working with a vendor on a two-part communications strategy. The first part is focused on candidates and the second part will be focused on the public.

She said that the Advisory Committee met on June 22. The Berk report was the main topic.

Staff's main focus continues to be rolling out the online voucher program in time for 2019.

7) Executive Director's report

The Director said that the City Council passed the changes to the Elections Code that the Commission endorsed, with some changes. He said the key changes are (1) inactive voters will receive a postcard from the Commission informing them that they're not receiving vouchers and providing information on how to get their vouchers if they are eligible, (2) people will be able to drop their vouchers in ballot drop boxes when they are open, (3) the City Attorney spending limits will mirror those of the at-large City Council candidates, not the districted seats, and (4) candidates who don't advance past the Primary will have until September 1 to use vouchers.

The Director then said that the posting for a web developer had resulted in approximately 25 applications. Those were being reviewed and he hoped to have an employee identified by September 1.

The Chair asked for an update on the litigation involving the Voucher program. The Director apologized for not distributing the amicus briefs, and said he would do that the next day.

The special Commission meeting for July 11, 2018 adjourned at 5:30 p.m.