

Seattle Ethics and Elections Commission Regular Meeting

August 5, 2020

A regular meeting of the Seattle Ethics and Elections Commission (SEEC) convened on August 5, 2020 remotely. Commission Chair Nick Brown called the meeting to order at 4:00 p.m. and Vice Chair Richard Shordt, along with Commissioners Bruce Carter, Brendan Donckers, Eileen Norton, Hardeep Singh Rekhi, and Susan Taylor were present. Commissioner elect Judy Tobin was also in attendance remotely. Executive Director Wayne Barnett was joined by Assistant City Attorneys Teresa Chen and Gary Smith, along with staff members Chrissy Courtney, René LeBeau, and Annie Tran.

The Chair began the meeting by thanking staff and members of the commission for operating diligently during this difficult time. The Chair also thanked the public for their patience with the remote meeting proceedings.

Action Items

1) March 4, 2020 regular meeting minutes

The Chair asked if the commissioners had any comments or revisions to the March meeting minutes and there were none. There was a motion to approve the minutes from Commissioner Norton, seconded by Commissioner Carter. The minutes were approved unanimously. The Chair then moved slightly out of order from the posted agenda and began with the first Discussion Item regarding the BERK presentation.

Discussion Items

3) BERK presentation of its evaluation

The Chair asked the Director for the background on the evaluation. The Director noted that BERK Consulting was again retained to evaluate the voucher program to give an

independent look at what worked, what didn't, and what could be improved. The Director then introduced Kevin Ramsey from BERK to present the findings of the evaluation. Mr. Ramsey, an associate principal at BERK Consulting, a public consulting firm based in Seattle that evaluated the voucher program's first election cycle of 2017, was asked to present the findings from the 2019 Democracy Voucher Program evaluation and take questions.

Mr. Ramsey stated that the evaluation had a couple of objectives and the first was to evaluate the effectiveness of the program in meeting the four goals of the program identified in Initiative 122. Those goals were high rates of candidate participation, democracy and accountability, increased voucher usage by those who had not previously donated, and high public satisfaction. SEEC staff also asked for certain potential program changes to be evaluated, and to provide recommendations to the commission. Mr. Ramsey noted that BERK used data sources from the voucher program itself, SEEC records, and King County Elections. BERK also interviewed and surveyed candidates and campaign staff, surveyed voucher users who used the online portal, and surveyed a sample of voucher users who did not use the online portal but used their paper vouchers, and they surveyed a representative sample of Seattle residents without regard for whether they were voucher users or registered voters.

A high rate of candidate participation was the first goal and overall there was overwhelming candidate participation. Nearly all candidates pledged to participate in the program and 35 out of 55 completed the qualification process and accessed nearly 2.5 million in funding. Mr. Ramsey said that in the surveys and interviews, candidates and campaign staff generally found the support, resources, and informational materials from the SEEC to be helpful.

The second goal of increasing democracy and accountability was measured by analyzing indicators of healthy democratic process over the last four election cycles, with an emphasis on

comparing similar elections, and Mr. Ramsey cautioned that of course the voucher program was not the only difference between election cycles. However, by looking at these indicators over time, broader trends can be seen. One indicator was the number of candidates in the last four election cycles, and BERK looked at the average number of candidates for each position on the primary election ballot, and found that since the voucher program was put into place, the average number of candidates had increased for all city council races, and even controlling for those races with incumbents, in the last two election cycles there have been more candidates running for office. Candidate diversity was also a focus, to see if there was an increase in the diversity of the candidate pool. Looking at the 2015 and 2019 election cycles, there was a larger number of candidates in total candidates, and an increase in the number of candidates who were persons of color and an increase in the number of candidates who were women, but the percentage shares for persons of color stayed fairly stable, as did those for women. Mr. Ramsey continued that BERK also looked at the margin of victory, predicting that when you have more challengers that have more viability due to voucher funding, there would be a smaller margin of victory due to the increased number of viable contenders. 2019 had the smallest average margin of victory in the last four cycles, but four election cycles may not be enough to show a clear trend over time. Voter turnout has steadily increased during the past four cycles, and there was a large increase in turnouts for primary elections following the introduction of the voucher program. Mr. Ramsey noted that the voucher program was not the only thing that was potentially causing a larger percentage of eligible voters to increase, but it has been part of the trend. Looking broadly at those who have not previously donated to Seattle political campaigns, over 38,000 residents used their vouchers which is an 83% increase compared to the 2017 election cycle, and 71% of the vouchers were received and assigned before the primary election, which was very different from

the 2017 election cycle. This is one indicator that residents knew to use their vouchers earlier when they were still useful to candidates. Return rates by age group were also compared, and overall about 8% of Seattle residents used vouchers, but the usage rate varied significantly with age rate, the oldest residents were most likely to use their vouchers compared to younger residents, and there was a growing gap between the participation and usage rates of older residents and residents in the youngest group, going from a 3% difference to a 9% difference. Return rates by district were also measured and in general the districts with more qualified candidates had higher rates of participation. District 5 with only 2 qualified candidates had only 5% participation in terms of voucher users. 37% of the surveyed voucher users said they had not contributed to a campaign within the past year. Mr. Ramsey said that candidates pointed to several challenges to engaging in residents in lower income and marginalized communities, such as language and cultural barriers, and lack of resources for qualifying donations, and the path of least resistance for a candidate continued to be residents who were already engaged. Those communities with more barriers required more time, patience, and attention from candidates to reach full engagement. High public satisfaction was the fourth goal, which was measured primarily by survey results. Over half of Seattle residents, not just voucher users or voters, said they were somewhat or very familiar with the program, which is up compared to 2018. A majority of Seattle residents surveyed believed the Democracy Voucher Program was having a positive impact on local elections, and less than 5% believed it was having a negative impact, and voucher users were much more likely to believe the program was having a positive impact.

The potential recommendations for program changes under consideration were based on questions that were posed by the SEEC staff for BERK to investigate. Should the voucher mailing date be moved was the first question, which was already changed from early January in

2017 to mid-February in 2019. There was not a strong consensus for moving the date again. The second question was whether the total value of vouchers provided to each resident should be reduced. The reason for this question was because almost all of the candidates who qualified for the voucher program maximized the amount of voucher funding they could receive, and any additional vouchers they received could not be used in their campaign. The fear was that could be an inhibitor to more participation by residents, and if the amount of the vouchers was reduced, that would allow for more people to use their vouchers, but it was not a popular idea among any group. One concern from candidates was that it would be more difficult to gather enough vouchers to compete, and it would risk the perception that the SEEC is devaluing the voice that Seattle residents have in local elections. The third question was whether spending limits should be raised or eliminated, and this was asked because in several races the top candidates were released from the spending limits during the primary and the general election. The surveyed Seattle residents and voucher users did not like the idea and the candidates were split. Some candidates expressed concerns about the release process and that it could be made more clear and fair from the perspective of the candidates, and there was more consensus around improving that process from candidates. The fourth question was whether the SEEC should continue to allow vouchers to be given to candidates outside of the resident's home district and voucher users expressed strong support for this practice to continue.

BERK also offered another recommendation to the SEEC regarding conducting a usability assessment of the voucher program from a candidate perspective. Many candidates, including candidates of color, described a steep learning curve and lack of clarity around some of the voucher program rules and resources available. Mr. Ramsey said that BERK recommended an independent usability assessment of the voucher program because it could help to better align

the program with the needs of candidates who are new to the political process, and the assessment would include information resources, trainings, procedures for qualifying process, for redeeming vouchers, and special scenarios such as the release process. A usability assessment was also recommended by BERK from the resident perspective since residents have diverse needs. The SEEC funding for community based organizations to conduct culturally sensitive outreach in native languages could dovetail with a usability assessment and build on the community work by identifying opportunities to make the program itself more usable by the diverse residents of Seattle. Mr. Ramsey stated that another BERK recommendation was to increase the marketing of the Democracy Voucher mailing date, since people were overwhelmingly finding out about the program from receiving the mailed vouchers, so building awareness of that date could magnify that effect. Mr. Ramsey noted that earned media could be helpful here, as well as the community-based outreach, and increased advertising.

The Chair thanked Mr. Ramsey and opened the floor to the commissioners to ask questions or to comment. Commissioner Norton thanked Mr. Ramsey, and she was thinking it would still be several more cycles since there is no way to compare similar cycles at this point, but it was great information and would help guide how the commission could move forward especially in getting the word out to communities that aren't hearing about it. Commissioner Norton said she had no specific questions, but every data point was good data to have.

The Vice Chair also thanked Mr. Ramsey for the very nicely done report. The Vice Chair asked in terms of the big picture, how the commission should evaluate what success is here. The Vice Chair said he understood that 53 of the 55 of the candidates maxed out and yet the recommendations were to neither increase nor decrease the democracy voucher limits. The Vice Chair said he understood the rationale there, but should success be measured as the increased use

of Democracy Vouchers, which it sounds like is capped unless the release from the expenditures or was success to increase the number of candidates. The Vice Chair said he agreed with Commissioner Norton that it was still an apples to oranges comparison currently, but asked how the commission should be evaluating the success of this program and be thinking about criteria and metrics as changes are made in the next cycles. Mr. Ramsey answered that was a great question and a big question, but one thing BERK took a deeper dive into was the number of candidates who participated in the program, and the diversity of that candidate pool who benefited from the program, and whether the program was making the elections more competitive than they had been in the past. One of the questions put forth by the Director when the work was being put into scope was that in previous election cycles you used to see an unopposed candidate who would win by a landslide and was that less common since the Democracy Voucher Program and would it be a good measure of the effectiveness of the program in that there are more political viewpoints funded and a richer and more competitive debate of ideas in Seattle elections and is that consistent with the democracy and accountability goals of the program. Mr. Ramsey continued that the limitations on the number of residents who can participate was limited based on the number of candidates, and it would be interesting to see how much that candidate pool could be increased before the benefits of having a diverse number of viewpoints became just too many viewpoints to have a coherent debate. Mr. Ramsey noted that one of the potential drawbacks of having too many candidates in a winner-takes-all election, is when candidates run who are similar in viewpoint, they can be drawing support away from each other. One of the ideas that was brought up by the candidates was to consider ranked choice voting, which might be a model that would be more suited to races with larger numbers of candidates. The Vice Chair said that was helpful, and success wasn't necessarily merely pure

metrics, but evaluating the number of people, and how competitive the election, and the different voices and perspectives are one criteria. The Vice Chair also said he did not want to monopolize time, but even though it wasn't in the BERK purview or mandate, they wanted to look at independent expenditures and map them to the use of vouchers, which he thinks will help the commission make some big calls down the road. It is something the commission has discussed and will talk about with the Executive Director going forward. The Vice Chair had two final points, one was that when looking at the numbers for the surveys and candidates that were interviewed, it seemed like the numbers were a little low, with 34% of candidates interviewed and 21% surveyed and you can only engage with people who are willing to engage with you, but the Vice Chair wanted to say that if half the people that responded said they entered the election because of the voucher program, then was the commission missing out on hearing the voices, ideas and thoughts, either positive or negative, of the candidates who did not respond. The Vice Chair continued that he wondered if there were ways to improve the participation of candidates in the program evaluation, because it would be good to get as many voices as possible, when talking about elections and candidates, and a statistical sample was very different than a sample of the voting populace. The Vice Chair said he didn't know if there was a way to condition participation in the program to a requirement of being willing or being required to participate in surveys, but it just seemed that if a lot of these candidates are participating in the program, then the city and the taxpayers who are funding the program are entitled to hear from those candidates and their views on the program. The Vice Chair said he agreed with the vast majority of the recommendations, and the targeted evaluation of the process for releasing candidates from the spending limit has been discussed before and there should be more formalized guidance on that process of releasing candidates. The Vice Chair said he also believed the commission needed to

look into independent expenditures as they relate to the program, but it came through loud and clear that candidates were confused, and the commission has been asked to interpret matters on a first impression, as has the Director, so getting guidance and thinking more about the release process would benefit the program. Commissioner Rekhi said he appreciated the report but had no further questions at this time and Commissioner Donckers said the same.

Commissioner Taylor also thanked Mr. Ramsey and said she was curious about the metric that among voucher users that 37% said they had not contributed to political campaign within the past year. Commissioner Taylor asked if that number should be interpreted as high or low, and what that number told Mr. Ramsey, because it seemed lower than the commission would like. Mr. Ramsey said that one of the goals they were trying to evaluate was whether the program was reaching out to people that were not campaign contributors previously and was this an entry into participating. The fact that only 37% had not previously contributed meant that those who participated in the program were more likely to be already engaged in the process, more likely than other voters to have contributed to a political campaign in the last year, and more likely to be voters, but BERK did not look as deeply into the contributions because there is another academic group that is looking at contributor data in a deeper dive, and Mr. Ramsey said he was hoping there would be some interesting findings from that parallel effort. Mr. Ramsey continued that candidates noted that it was easier for them to reach out to those who are already engaged in the process and those who hinged their efforts on reaching out to others had a lot of roadblocks and viewed that as a hindrance to their campaigns. Looking at the breakout by age did magnify existing disparities in participation, but unfortunately the information about the race and income of voucher users was not available at this point. Last round BERK looked at the neighborhood characteristics of those folks and the voucher program increased overall

participation but did not change the balance significantly. Commissioner Taylor said she was concerned that older white people like her who already had plenty were just being given another source of funds. Commissioner Taylor asked what was the most surprising finding, and Mr. Ramsey answered that the indicators of democratic health, it was nice to see them going in the direction you would hope for in most cases, but on the flip side, the chart looking at participation by age group and showing that existing disparities in participation rates that are known in voting in general were more pronounced in the voucher program, which was concerning. One thing that was found in the previous round, was that younger voters were using the voucher program at rates higher than expected, but this time increased usage was among older voters.

Commissioner Carter also thanked Mr. Ramsey and the staff for their extraordinary job pushing the program at all levels of the community. Commissioner Carter continued that as a political junkie he was disappointed that half the people were familiar with the program and only 8% turned in their vouchers, and he hoped that would continue to improve in terms of utilization by the voters. Commissioner Carter also said that he was disappointed that people of color and lower income folks seemed to be on the margins of the program, not as a criticism to anyone in particular, but there were so many good efforts put forth in trying to reach out to folks who were less engaged that it was disappointing those numbers weren't higher. Commissioner Carter also noted that he concurred with the recommendations. Mr. Ramsey said one thing that was not shown in the presentation was the breakdown of the survey results by race and ethnicity, and those charts are interesting and show high support for the program among communities of color and a high level of belief that the program is having a positive impact, and that is seen in lower income communities as well and that might be reflective of the impact of some of the significant outreach work that is occurring through the program to these communities to raise awareness.

The Chair asked if the Director had anything to add from the staff perspective. The Director said that he had one comment in regard to Commissioner Carter's statement, noting that even though 50% of people were familiar with the program but only 8% used their vouchers was a function of the program, which is one of the reasons why the office asked whether the value of the vouchers should be reduced. The fact is that even though only 8% of people used their vouchers, virtually every candidate who participated in the program and made it to the general election maxed out the number of vouchers they could use. The Director continued that as Mr. Ramsey said, the support for reducing the voucher amount was non-existent so that is something that will continue to be a struggle. In the 2021 election there will only be four races eligible for participation and the Director said just to set expectations, they should prepare for participation to actually fall in 2021 versus 2019. The Chair asked the Director what he thought about the inverse, about raising the cap. The Director said that the research did show that there was very little public support for that, and not even strong support for that among the candidates, which was surprising since the limits were lifted in virtually every race in the last two cycles. If the commission would like to entertain lifting those limits, the Director would be open to that discussion, but since the BERK research indicated there was not strong support for that, he wasn't sure whether the commission wanted to have that discussion or not. The Chair said that he thought it would be worth diving deeper into the public and candidate concerns, at least on the public side the idea of raising spending limits in general probably has a connotation that is not something people would support but in the context of the goals of the program specifically here and the inverse effect it has on participation, it would be worthy of a conversation on a future agenda to evaluate the pros and cons. The Chair then thanked Mr. Ramsey for the presentation on behalf of the commission and said they would continue to keep diving into the data and may

have more questions for him and Mr. Ramsey thanked the commission. The Chair then turned to address the second action item from the agenda.

2) Mercer Island proposal

The Chair asked the Director to provide information regarding the request from Mercer Island. The Director said that this request was similar to the current contract with the City of Kirkland and a previous agreement with the Seattle Public Schools (SPS) where the SEEC would act as their ethics officers. The Director noted that the contract with the City of Kirkland has not led to any investigations, but the SEEC has provided opinions on a few things over the years. The Director said that he was not opposed to supporting Mercer Island, he was cautious due to the fact that the SEEC elections work having gotten much more involved over the years, and he was not sure the office would have the bandwidth to support Mercer Island. The Director said this was not his call to make, this was for the commission to decide and then this would need to go through the City Council. The Chair asked for clarity whether it was within the statutory authority of commission to take on other jurisdictions, and what is the scope of review or requests that could come from other jurisdictions. The Director answered that would be a question for Assistant Attorney Gary Smith, as the City of Kirkland is currently the only other jurisdiction with which the SEEC has a contract. Mr. Smith said there was precedent for these agreements and council approval of the contract is affirmation that it is within the scope of the authority of the commission to engage in these agreements. Commissioner Carter asked the Director whether the percentage of resources committed to investigative work has changed over the past few years. The Director answered yes, previously there was one investigator full time and one was part time, then when the full time investigator left, the part time investigator's hours were increased by one day per week, and the full time investigator's position resources were

reassigned to increase technical support. Commissioner Carter said that means our capacity to respond was diminished compared to what it was four or five years ago, and the Director agreed.

The Director noted that the SPS contract came with enough resources to allow for an investigator to be hired solely to support that investigative work. Commissioner Taylor asked if there were funding resources attached to this contract, and the Director answered no, it would be a standard per hour rate that would be charged, presuming there was capacity to do the work. Commissioner Taylor clarified that it would not be enough to engage somebody new if needed, and the Director agreed that it would not and that concerned Commissioner Taylor. The Vice Chair asked if Mercer Island was able to provide any context for any investigations they have handled in the past to give a sense of what the workload might be, understanding of course that things change. The Director said he had not asked for that, but it sounded like a good idea to find out what their anticipated workload would be and what their past history has been of contracts and he would be happy to ask if the commission was interested. The Vice Chair said that he thought it was worth asking if the commission was interested in doing it, his sense was there was hesitancy, so he was not inclined to pursue it if it looked like the city was under enormous budget constraints next year, knowing the office will be working remotely, it may not be worth the Director's time. The Vice Chair continued that if there was a way to make it work, he was for helping another jurisdiction improve their ethics, he would say that he was not a strong supporter but was not blatantly opposed to it. Commissioner Donckers echoed the sentiment that we should make sure that we are focusing on city work and it would be a high bar to take on any new commitments at this time. The Chair said he generally agreed, he would naturally be inclined to help if there was the capacity, but as the duties are continuing to increase on a quarterly basis he was not inclined to move forward unless there was a compelling reason, it does not sound like

from the commission's perspective that there is one. The Chair asked if there was any precedent for denial. The Director answered no, this was only the third time this had been requested since the Director had joined the commission. Commissioner Carter said that there could be an option to provide the Director's opinions without necessarily providing an investigation in light of the budgetary concerns. The Director said he thought that was a very out of the box idea and he liked it. The Chair said he thought it was a solid idea, but he didn't want the Director to be put in the position of offering that same service to other jurisdictions or being viewed as someone who responds to some and not others but given the formal request wanted to know if the Director would be comfortable with such an arrangement. The Director said that he would be comfortable with that and had spoken with other jurisdictions previously, not in formal written opinions, but there was already a sharing of ideas. Commissioner Taylor said hopefully we get some good advice as well, and the Director said that we do.

4) Democracy Voucher Program report

Program Manager René LeBeau provided an update on the items the voucher program team was working on. The 2021 Candidate Toolkit was posted online, and the existing campaigns and other interested parties were notified that resource was available. The candidate brochure marketing piece was also finished, which will be made available in all supported languages. The program has also been thinking about the challenges for candidates and residents given all the Covid unknowns, and they have posted some best practices on how to use programs like DocuSign to collect qualifying signatures online instead of in person. Staff has also started to work on training videos, and they have broken the trainings down into segments, and scripts are being written and the videos are being produced inhouse. The request for proposals (RFP) for the community based outreach has been launched and there are two remote informational

sessions regarding the RFP application process scheduled for August. Ms. LeBeau indicated that there was a lot of messaging around the RFP, running for office and the funding available to candidates, and signing up for online vouchers and there were over 200 people signed up to receive their vouchers online currently. The Chair asked Ms. LeBeau for her comments and perspectives on the BERK report. Ms. LeBeau answered that it was difficult to compare the elections, but she was pleased to see growing awareness of the program, and that the program was heading in the right direction. Ms. LeBeau continued that she has enjoyed working with BERK on this report and making sure that there was feedback from as many groups as possible. The Chair thanked Ms. LeBeau for her report.

5) Executive Director's report

The Director began his report with an update on the status of the pending commissioner appointments. The paperwork has been formally transmitted for Judy Tobin to succeed Commissioner Rekhi in the mayoral appointed seat and for Commissioner Rekhi to succeed Commissioner Norton in the council appointed seat. There is a possibility that those appointments will be taken up prior to the August recess, if not, it should happen immediately upon return. There will not be a committee hearing, the appointments should go straight to the full council for a vote, so it is expected that within the next month Commissioner Norton will retire from the commission, and Commissioner Tobin will join the commission.

The Director said that the budget continued to be closely monitored, and he would be surprised if the budget included any increases or any cuts, because there wasn't any room for additional cuts, but the Director was hopeful that the City Council could provide resources for the position administering the new foreign ownership legislation.

The Director asked if the September meeting could be shifted from the Wednesday prior to the Labor Day weekend to later in the month. The Chair said he would be fine pushing the meeting back another week if that worked for the rest of the commission. The Chair asked the commission if there was a conflict in pushing the September 2nd meeting to September 9th and there was no indication of a problem, so that will be the aim. The Director mentioned that staff has provided the law department with potential changes to Rule 16H, which deals with the voucher program release process from candidates, and that will be brought before the commission as soon as possible.

The Chair said that if this was indeed Commissioner Norton's last meeting, then he wanted to say thank you on behalf of the commission and they appreciated her service. Commissioner Norton said it had been a pleasure and an honor and to keep fighting the good fight. Commissioner Carter said that he was here when Commissioner Norton came, and she has done an extraordinary job with the commission and was always a very positive contributor and he wanted to thank her personally. Commissioner Rekhi also said that he appreciated all her contributions, that she has been a valuable member of the commission and thanked her for everything she has done. Commissioner Donckers thanked Commissioner Norton for her mentorship and all of her hard work. The Director also thanked Commissioner Norton for being a wonderful chair and a great member of the commission for as long as she has been. Commissioner Norton thanked the Director and the commission. The Chair also thanked everyone for continuing to meet remotely and said this will likely be the normal protocol for the next few months and encouraged everyone to stay safe and stay healthy.

The Regular Commission meeting of August 5, 2020 adjourned at 5:24 p.m.