

## **Seattle Ethics and Elections Commission Regular Meeting**

**April 7, 2021**

A regular meeting of the Seattle Ethics and Elections Commission (SEEC) convened remotely. Commission Chair Richard Shordt called the meeting to order at 4:06 p.m. and Vice Chair Hardeep Singh Rekhi, along with Commissioners Bruce Carter, Brendan Donckers, Susan Taylor, and Judy Tobin were present. Executive Director Wayne Barnett was present and was joined by staff members Chrissy Courtney, Polly Grow, René LeBeau, Neelam Shah, Annie Tran, along with Assistant City Attorneys Teresa Chen and Gary Smith.

### **Action Items**

#### **1) Minutes for March 3, 2021 regular meeting**

The Chair began the meeting with the first action item and noted that there would be an additional update on the Councilmember Sawant matter that was not originally on the agenda. The Chair asked if there were any questions or comments regarding the minutes, and there were none. Commissioner Tobin made a motion to approve the minutes, which was seconded by Commissioner Carter, and the motion was approved unanimously.

The Chair then moved to the update on the Councilmember Sawant matter, and Carolyn Boies was in attendance in the role of counsel for the Director, however Dmitri Iglitzin, as counsel for Councilmember Sawant was unable to attend so Ms. Boies provided the update for both with Mr. Iglitzin's permission. Ms. Boies noted that since the commission last met, the Supreme Court has issued a judgment on the matter before them and the city has offered and proposed a briefing schedule, and Mr. Iglitzin has asked for more time to review since the Supreme Court decision was recently issued. Ms. Boies continued that there should be an update

well in advance of the next commission meeting. The Chair said that if Ms. Boies and Mr. Iglitzin were working together on the briefing schedule that worked for the commission. The Vice Chair asked for a date certain on when the commission would receive an update. Ms. Boies said that the Supreme Court deadlines will likely be addressed within the next 10 days, so the assumption was two to three weeks for a specific briefing schedule, which the city proposed as being 35 days. The process has some starts and ends and within two or three months they should be through this matter. The Vice Chair asked to have an update at least a week prior to the next meeting, and Ms. Boies said that she would communicate this to Mr. Iglitzin since she was not the one asking for the delay. The Vice Chair thanked Ms. Boies, and the Chair moved to the next item on the agenda.

**2) Emergency rule relating to posting Democracy Voucher replacement forms online**

The Chair asked the Director to provide a summary regarding the emergency rule related to posting the Democracy Voucher Program campaign replacement form online. The Director said that based on the commission's request at the previous special meeting an emergency rule was drafted and circulated to the commissioners. The Chair said that the emergency rule would go into place first, but then there would be a final rule through the regular rule making process and asked if that language was reflected in the emergency rule. The Director said that yes, the rule would be posted with a comment period that would expire as of May 5<sup>th</sup> so that the emergency rule could be adopted as a regular rule. Commissioner Tobin asked if that meant that campaigns would have to wait another month to be able to take advantage of this new rule, and the Director answered no, if the rule passed tonight then once it was filed with the City Clerk (likely the next morning) then it would be effective. Commissioner Tobin said she liked the end

of the rule that indicated this would be a temporary situation. The Chair asked if that regular rule process was going to be followed because the emergency rule would expire within 60 days. The Director agreed and noted that it was also because the commission wanted to have an additional comment period. The Chair asked if there had been any further comments provided and the Director said not to his knowledge.

Commissioner Carter said that he agreed that the exit procedure should be followed, due to the pandemic and those who feel the change is unfair can choose to join the program and provide the refunds as needed, after having some reservations previously. Commissioner Donckers said there were some security concerns, and he asked the Director if he was concerned about the security of this process. The Director said he was not since the signatures would still be sent to King County Elections for validation, but if anything did occur, he would bring it to the commission's attention. Commissioner Taylor asked if the Director or staff had any remaining concerns. The Director said that the concerns are what they have always been, this was a departure from the thrust of the initiative to engage residents in a meaningful way, but no one anticipated the pandemic and the key part of this rule was that it would lapse 48 hours after the social distancing measures are ended. Commissioner Taylor said that if there was a breakdown in the process, she assumed the Director would know quickly and would inform the commission quickly as well, so that nothing would fester. The Director said that the office was so small that he could not imagine that something would happen if it did not come to him or the program manager René LeBeau immediately. Commissioner Tobin asked if it meant that they couldn't be easily duplicated forms and the Director agreed, and the Chair said that each campaign is also required to identify the campaign representative who has identified the signer.

The Chair experienced technical issues with being heard and briefly left the meeting. Commissioner Tobin said that there was a comment in the chat window from Jason Bennett that noted that the forms would need to be printed for the campaign representatives to sign them, and she asked if there was any comment. Ms. LeBeau commented that with the campaign replacement form, the person who completed the form was supposed to sign and print their names on that form, and she believed that having the representative put in their electronic signature could work as well, instead of printing them, and Ms. LeBeau said she would speak with Mr. Bennett in the morning. Commissioner Carter asked how the form would get to King County Elections for the signature to be checked. Ms. LeBeau said that the campaign could either send an electronic file to the SEEC that then goes to the county or if there were paper forms, then they would be sent over on paper. Commissioner Carter asked if the county could verify the signature, and Ms. LeBeau said it was a drawn signature and that it would be processed by the county. Commissioner Tobin said the commission should just go with it. The Director said that the Chair had now rejoined by phone. The Chair said he heard Commissioner Tobin's opinion and asked if there were any more questions before they moved forward and there were none. The Chair asked for a motion unless there were any other questions. Commissioner Tobin moved to approve the emergency rule, and the Vice Chair seconded the motion. All voted in favor, and the emergency rule was passed, which would go into effect when filed with the City Clerk.

### **Discussion Items**

#### **3) Democracy Voucher Program report**

Ms. LeBeau provided a brief report, noting that going back into the office was going well, the temporary staff hired for voucher processing and qualifying reviews had been going

really well, and as of yesterday the figures being presented were current. Most of the candidates have pledged to use vouchers, around 70% of the candidates; 18 are in the program, six have qualified and there are two on deck to be qualified. Just over 500,000 vouchers have been distributed at this point, which is more than had been distributed at this time last year. Staff has put together some fantastic training and the modifications due to Covid have been going well.

Ms. LeBeau noted that around 42,000 vouchers from 11,000 residents have been received so far. Looking at the 42,000 vouchers that have been returned, a majority came to the SEEC on paper, then a significant number are coming through the online portal, and there was one campaign right now who had been very active in collecting campaign forms in person. Districts 2 and 3 seem to have the highest voucher participants, but the remaining districts seem to have a pretty good even spread. Ms. LeBeau asked if there were any questions. Commissioner Carter asked about districts 8 and 9, and since they are at large positions, they were already covered in these figures. Ms. LeBeau said that outreach to residents was also starting to gear up, the community-based organizations who received grants were active, and Annie Tran was starting to be pulled into some presentations as well, most recently a Starbucks remote group, and the Urban League has put the program in touch with the Rainier Ave Radio group and so outreach continues remotely. Commissioner Tobin thanked Ms. LeBeau, as did the Chair, and the Chair said that the campaigns were ramping up and thanked the staff working in the office.

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

The Director said that he would be covering three items today. The first was that it appeared that the emergency pocket to hire the new staff member to administer the expanded lobbying law had been approved. The SEEC has been promised an emergency pocket and the new position will be hired soon. The Director noted that there have been more and more

responsibilities over the previous years and gave thanks to Council President González and everyone who made sure this happened.

Next week it appears that Kristin A. Hawes and Zachary Pekelis Jones will be taking the seats held by Commissioner Donckers and former Commissioner Chair Nick Brown. These were both mayoral appointees and they should be seated before the next meeting. The Council appointee position was still in the recruitment process. The Director stated that Commissioner Donckers had been a great chair previously and the Director thanked him for his long service. Commissioner Donckers thanked the Director and said it was an honor to serve. Commissioner Carter also thanked Donckers for being an exceptional chair, and the Vice Chair, and Chair also thanked Commissioner Donckers for his guidance and wisdom and thanked him.

The Director provided an update regarding the Financial Interest Statement process, noting that April 15 was the deadline and there were 96% of the filers received and now it was up to the final 63 individuals to file. The Chair asked if there were any final discussion points, thanked everyone for attending, and closed the meeting.

**The Special Commission meeting of April 7, 2021 adjourned at 4:39 p.m.**