

Seattle Ethics and Elections Commission Special Meeting

October 11, 2022

A Special meeting of the Seattle Ethics and Elections Commission (SEEC) convened in Seattle Municipal Tower Conference Room 4080 and remotely. Chair Hardeep Singh Rekhi called the meeting to order at 4:02 p.m. The Chair and Commissioner Rich Shordt were in attendance with Vice Chair Pekelis, and Commissioners Kristin Hawes and Susan Taylor attending remotely. Executive Director Wayne Barnett was present and joined by staff members Fedden Amar, Cliff Duggan, Randal Fu, Polly Grow, and René LeBeau. Assistant City Attorneys Ariel Schneier and Gary Smith joined remotely. Commissioner Stalling-Ala'ilima had an excused absence.

The Chair welcomed the Commissioners and staff and moved to the first order of business.

Final Action Items

1. Minutes for September 7, 2022, Commission Regular meeting

Two changes were noted for the September 7 minutes: showing Assistant City Attorney Smith's full name in the list of attendees, and a change in the language regarding Item 3. Proposed Last-Minute Contribution Threshold Rule. ("...the new maximum contribution limit for candidates..." was revised to say "...the new reporting threshold for candidates..."). The Chair asked for a motion to approve the September 7 minutes as amended. Commissioner Shordt made the motion, and Commissioner Hawes seconded. The September 7 Commission Regular meeting minutes were unanimously approved as amended.

2. Appeal of dismissal of Notice of Ethics Complaint

The Director noted that Commissioners had in their meeting materials a copy of the September 2, 2022, Notice of Ethics Complaint filed by Mr. Glen Stellmacher regarding SPD Chief Adrian Diaz, along with the Director's Review, Mr. Stellmacher's appeal, and Mr. Stellmacher's October 6 written public comment in lieu of participating at this Commission meeting. The Director stated the Chief of Police is not subject to the Health Insurance Portability and Accountability Act (HIPAA), so this is not a HIPAA violation and was not considered confidential information.

Commission Taylor asked the Director to speak to what confidential information is outside of HIPAA, and if the statement's generalization affected the outcome. The Director explained that "confidential information" as defined by the City is specific information, not generalized knowledge, that is not available to a person who files a public records request, and information confidential by law (SMC 4.16.030).

Assistant City Attorney Smith added this type of information about a suspect, or a suspect's behavior, would regularly appear in a Police report and be subject to disclosure. Vice Chair Pekelis asked if there is some sort of City ordinance regarding public records exclusion for confidential medical information. Assistant City Attorney Schneier said it would fall under the State statutes' exemptions like HIPAA (HIPAA applies to medical records). Any City ordinance would be preempted by a State statute. The complaint was found to fall short in this instance.

The motion to uphold the appeal dismissal was made by Commissioner Shordt and seconded by the Chair. The Commissioners voted unanimously to uphold the appeal dismissal.

3. Election of Susan Taylor to a second term on the Commission

The Director announced that Commissioner Taylor has agreed to serve another

Commission-appointed term expiring December 31, 2024. The Chair expressed his appreciation to Commissioner Taylor and acknowledged her contributions, great ideas, and active participation throughout the previous term.

The motion was made for the Seattle Ethics and Elections Commissioners to re-appoint Commissioner Taylor to a term ending December 31, 2024. Commissioner Taylor chose to abstain from the vote. The remaining Commissioners voted unanimously to approve Commissioner Taylor's second term. Commissioner Taylor thanked the Commission and stated she has always been interested in the Commission and is happy to serve.

4. Proposed rule authorizing candidates' official campaign websites to host Democracy Voucher Campaign Replacement Forms

The Director explained that the proposed rule authorizing Voucher Replacement Forms to be posted on authorized candidates' official websites had been discussed at the previous Commission meeting. With no public comment being made, the rule is now put to a vote for adoption by the Commission.

The Chair called for a motion to vote on the proposed Seattle Elections Code Administrative Rule. Commissioner Taylor made a motion to adopt, and Vice Chair Pekelis seconded. With no opposition or abstentions, the Commission voted unanimously to adopt the rule allowing authorized candidates to post the Voucher Replacement Form on their campaign websites.

5. Proposed rule regulating the collection of Democracy Voucher Campaign Replacement Forms

The Director requested that the Commission hold adoption of the proposed rule regulating the collection of Democracy Voucher Replacement Forms. At the September meeting,

Commissioner Shordt asked about who can volunteer; i.e., campaign managers. The Director would like to take one last look at the rule to make sure it addresses the issue.

Commissioner Hawes inquired about the two public comments that were submitted regarding the Collection Rule. The Director said the two comments were both in favor of stopping paid voucher gathering. One of the two was also in favor of stopping paid collectors of regular Democracy Vouchers. The Director explained that there has not been an issue with the gathering of Democracy Vouchers and it is not being considered at this time.

Commissioner Hawes asked if adoption of the rule was on hold, would the public comment period be held open. Assistant City Attorney Smith said it would not typically be held open. He mentioned that the public comment period is usually specified in the published notice. This would not, however, prevent anyone from submitting their input from the current time until the rule is taken up again.

The Assistant City Attorney said that having only minor revisions in response to comments or further consideration does not necessarily warrant or require re-posting of a public comment notice. It is dependent on how substantive any revisions are from the first publicized version.

When asked if there was enough time to publish a Public Comment notice for the November Commission Regular Meeting, the Director stated that Replacement Voucher Forms will not be in circulation until next February; therefore, there is additional time for discussion and adopting the rule at the December Regular Meeting.

6. Amending Seattle Elections Code Administrative Rule 15 to adjust the threshold for reporting last-minute contributions

The Director recalled the Commission's discussion of Rule 15 at the previous Commission meeting. The change is to increase the last-minute contribution threshold from \$1,000 up to \$1,500

to align with the PDC.

The Chair requested a motion be made to adopt the rule. Vice Chair Pekelis made the motion which was seconded by Commissioner Shordt. The Commission voted unanimously to amend the Seattle Elections Code Administrative Rule 15 on monetary thresholds.

Discussion Items

7. Democracy Voucher Program report

Ms. LeBeau, Democracy Voucher Program Manager, gave an update on the Democracy Voucher Outreach Fund RFP. There were 17 organizations who submitted applications for review, with 16 organizations awarded funding on October 7. All but three organizations have large permanent residency community focus and almost half of the organizations are new to SEEC. The Oromo Cultural Center was initially unable to be funded the full amount; however, general program outreach funds were available to provide the full \$15,000.

The Chair asked if there was a good geographic mix. Ms. LeBeau noted that there is a strong presence in Southeast Seattle; this could be because of the populations they serve, or it could be just the organization's physical location. Once work with the contractors is formalized, the office will look at the mapping across the City and see what the staff can also cover.

BERK Consulting, the organization that has been doing program reviews for the last two election cycles, is also providing mapping for internal use only that shows areas of low Democracy Voucher usage. This new information will give us location-based high concentrations of people we would like to reach.

Commissioner Hawes asked if there is a need to identify additional budget dollars for next year, and if it might be necessary to continue to fund outreach programs in 2023. Ms. LeBeau explained that unlike traditional grants where funding is handed out upfront, the funding will not

begin until the end of 2022 through 2023. The organizations will invoice SEEC based on the work they perform. The organization has a budget in the program for outreach which will cover the initial funding gap.

Vice Chair Pekelis thanked Ms. LeBeau and the team for the work done on the grants. The Vice Chair stated that he serves on the Board of one of the awardees (Washington Bus Education Fund) but emphasized he was not involved in any of the grant decision-making processes.

8. Executive Director's Report

The Director took a moment to introduce Assistant City Attorney Ariel Schneier who is moving over from the Government Affairs section to work as the new SEEC counsel while continuing her generalist role. Assistant City Attorney Schneier is replacing Teresa Chen who relocated to California. Assistant City Attorney Smith mentioned that Ms. Schneier will be a very good fit and resource as she has represented various boards and commissions.

As mentioned in the news, the Director said the City's proposed budget is an issue. He explained that Ethics and Elections has a baseline budget and did not receive an increase or a cut. There is hope that funds may be found to provide for a temporary auditor position during next year's election cycle.

The Chair asked if there were any additional items for the good of the order. Upon hearing none, the Chair thanked everyone for attending the meeting and is looking forward to seeing them at the November meeting. The Chair adjourned the October 11, 2022, SEEC Commission Special meeting at 4:42 p.m.