

Seattle Ethics and Elections Commission Regular Meeting

June 7, 2023

The June 7, 2023, Seattle Ethics and Elections Commission (SEEC) Regular meeting convened in Seattle Municipal Tower Conference Room 4080 and remotely. Vice Chair Kristin Hawes called the meeting to order at 4:07 p.m. The Vice Chair and Commissioner Richard Shordt were present with Commissioners Chalia Stallings-Ala'ilima and Susan Taylor participating via Webex. Chair Zach Pekelis and Commissioner Hardeep Singh Rekhi were absent. Executive Director Wayne Barnett was present with staff Cliff Duggan, Randal Fu, Polly Grow, and René LeBeau; Chrissy Courtney and Assistant City Attorneys Gary Smith and Joe Levan attended via Webex.

The Vice Chair opened the meeting by asking if any written public comment had been received. Upon hearing none, the Vice Chair addressed the first Action Item.

Final Action Items

1. Approval of May 3, 2023, Commission Regular Meeting minutes

Commissioner Taylor commented that the minutes did not reflect the fact that Commissioner Stallings-Ala'ilima joined the meeting in person at 5:20 p.m. Commissioner Shordt said that there were a few minor changes to be made after his prior discussion with the Director. The Director will provide those changes to Mr. Duggan for inclusion. Upon hearing no other comments, the Vice Chair called for a vote to accept the minutes as noted. The March 3, 2023, Commission Regular Meeting minutes were approved unanimously.

2. Modification Request of Maritza Rivera

The Vice Chair stated that the four Commissioners present did not provide a quorum to consider the Rivera modification request, and the item would be adjourned until the next

Commission meeting. Mr. Levan shared that a minimum of five Commissioners need to be present for the request. The Director noted that Ms. Rivera's counsel (Matthew P. Gordon and Shelby Rampolo) was on Webex as well as the candidate. Mr. Gordon requested that the Director notify them as soon as possible when the next Commission meeting is scheduled.

Commission Shordt asked Mr. Gordon to encourage Ms. Rivera to be prepared to discuss the issue raised at the May 3 Commission meeting. Commissioner Shordt said the submitted "Declaration of Daniel Kully" dated June 5, 2023, did not address the issue. Ms. Rampolo asked Commissioner Shordt to repeat what was needed further. Commissioner Shordt said the Commission would like to hear more details on how gathering the required information proves to be a hardship for the candidate; in particular, the client list from Sound View Strategies. Ms. Rampolo wanted to note that there was a finding by the PDC, the Washington Public Disclosure Commission, that the burden was quite high on Ms. Rivera; that the finding had already been made and was provided as an exhibit to the declaration. Commissioner Shordt stated that it would not be discussed at this meeting.

Ms. Rivera requested the written questions that the Commission had at the May 3 meeting. She said they wanted to be very clear on what it is the Commission would like addressed. The Director stated that they could provide the questions. Ms. Rivera thanked the Director. The Commission will schedule a special meeting to address Ms. Rivera's request.

3. Modification Request of Victoria Palmer

Ms. Palmer was participating via Webex. The Director explained that the lack of a quorum today required Ms. Palmer's modification request to also be scheduled for the upcoming special meeting. The Director will try to schedule this meeting before the Commission's July 5 regular meeting and will apprise Ms. Palmer of the meeting date.

Discussion Items

4. Treatment of credit card processor fees

The Director said the PDC recently changed the way it treats a contributor's payment of credit card processing fees charges in connection with contributions. The Director inquired if the Commission would like the SEEC to follow suit. The previous treatment would have the contribution and the processing fee reported as one amount with the campaign reporting the processing fee in a report. With the new treatment, the contributor incurs the processing fee with the original amount of the contribution reported to the campaign.

Commissioner Stallings-Ala'ilima stated that it would seem to be more accurate to reflect the actual amount that goes to the campaign. Others voiced their experience with being given the option to cover the fees associated with donations; that this was a trend with non-profits. The Vice Chair asked if there was a sense of the administrative burden posed to parse the tracking of the contribution and the processing fee. The Director said that the campaigns would be the ones to track the amounts. The Director mentioned that this is just guidance and asked if the Commission would want to offer this as an option for the campaigns to process credit card donations. The Director was asked if he knew of any other jurisdictions where this option was being provided. The Director stated he would investigate the question. The Vice Chair said the information would be beneficial from the Commission's perspective for additional consideration and a conversation with the full Commission. It was agreed to move this item to the next Commission meeting.

It was asked from a procedural standpoint what would the work product be coming out of the written guidance. Ms. Grow reported that the subject of credit card transaction fees is addressed in SEEC Elections Code Rule 6 – Receipts, Section G.3. (“A candidate or political committee must treat the full amount of a contribution as the contributed amount, even though the candidate or

political committee may receive a lesser amount because of transaction fees.”). The new process option would require a revised Elections Code Rule 6.

5. Democracy Voucher Program report

a. Final List of candidates for Primary Election

Ms. LeBeau reported that 41 of the 45 Seattle City Council candidates have entered the Democracy Voucher Program. Twenty of those candidates have qualified for the Program and are receiving funds. Four of the candidates have reached the \$97,5000 maximum voucher distribution for the Primary Election. Campaigns have received \$861,300, representing 34,452 vouchers. Fifty individual campaign training sessions have been conducted. Ms. LeBeau thanked Mr. Fu for his work on the sessions.

Referring to the “Returned Vouchers by Type and Council District” chart of the DVP Update, the Vice Chair was curious if there was a way to have the database differentiate between paper voucher forms received and the those that were submitted online.

Commissioner Stallings-Ala’ilima asked about people submitting vouchers for those candidates who have maxed out the Primary voucher distribution. Ms. LeBeau said that voucher distribution is tracked on the SEEC Democracy Voucher Program website. A person may still assign their vouchers to the candidate. The balance of the voucher distribution would be applied to a candidate moving forward to the General Election.

Executive Director's report

b. Cancel or Reschedule July 5 meeting?

The Director questioned if any of the Commissioners were planning to meet for the July 5 Commission Regular Meeting the day after the Fourth of July. It was agreed to cancel the July 5 Regular Meeting.

c. FIS process completed.

The Director announced that 100 per cent of identified employees (1,973) submitted their Financial Interest Statements.

6. Determination of Case No. 22-01-0528-1 *In the Matter of Brown*

The Director stated that the Determination of Case No. 22-01-0528-1 *In the Matter of Brown* has been posted in the Commission Actions section of the SEEC website.

Oral Public Comment

The Vice Chair recognized Mr. Jon Lisbin, candidate for Seattle City Council District No. 6. Mr. Lisbin explained that he was a couple days late (June 5) registering for the Democracy Voucher Program. He stated that he had filed his candidacy on the last day of the King County Elections' Candidate Filing Week (May 19). Mr. Lisbin explained how difficult it is trying to get his campaign up to speed on all the issues. Mr. Lisbin did the Democracy Voucher Pledge but was informed by Ms. LeBeau that he missed the Program deadline. Mr. Lisbin said that it hit him in the gut because he didn't know there was a deadline. His purpose at this meeting was to see if he could get some sympathy from the Commission.

The Director stated that the deadline for DVP qualification is a hard and fast deadline. Ms. LeBeau said the deadline for qualification is two weeks from when a candidate files with King County Elections. There is nothing to offer in terms of modifying this requirement. Commissioner Stallings-Ala'ilima asked if the Commissioners could have a closed session to discuss this with counsel or move the item to the next meeting. It was advised that due to time sensitivity the issue should be addressed sooner rather than later. Mr. Smith said the Commission could address the issue and explain that it is a hard deadline that is contained within the Code (Seattle Municipal Code 2.04.630.B.) with no real provisions for making an exception or waiver.

The Vice Chair called for a vote with respect to Mr. Lisbin's request to modify the deadline for Democracy Voucher Program participation. The Commissioners voted unanimously to deny Mr. Lisbin's request. Mr. Lisbin thanked the Commission for considering his request.

At the conclusion of the regular business and Oral Public Comment, the Vice Chair asked for any additional comments. Hearing none, the Vice Chair adjourned the June 7, 2023, SEEC Commission Regular meeting at 4:38 p.m.