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SEATTLE ETHICS AND ELECTIONS COMMISSION

IN THE MATTER OF:
BRUCE HARRELL

SUPPLEMENTARY OPINION

I. INTRODUCTION

At its public meeting of October 1, 2025, the Seattle Ethics and Elections Commission unanimously¹ voted to affirm the Executive Director’s dismissal of a complaint submitted by Paul Chapman requesting an investigation into Mayor Bruce Harrell and his Office’s use of a TikTok account, allegedly in violation of SMC 2.04.300. The Commission issues this Supplementary Opinion to describe its reasoning for its decision and to provide general guidance regarding the City’s Election Code.

¹ Commissioner Kai Smith took no part in the Commission’s consideration or disposition of this appeal.

1 **II. BACKGROUND**

2 On August 31, 2025, Mr. Chapman submitted a complaint to the Commission’s Executive
3 Director requesting an investigation into Mayor Harrell and the City of Seattle department that runs
4 the official TikTok account. At that time, Mayor Harrell was a candidate for reelection. The primary
5 election took place on August 5, 2025, and the general election took place on November 4, 2025.
6 Mr. Chapman’s complaint alleged that the TikTok account began making public posts on July 28,
7 2025, which generally focused on Mayor Harrell. Mr. Chapman alleged that the TikTok account was
8 “electioneering by the Mayor and the department responsible for the account.”

9 The Executive Director reviewed the complaint and investigated the relevant facts, including
10 the content of the TikTok posts at issue.² On September 4, 2025, the Executive Director issued a
11 written dismissal of the complaint pursuant to SMC 2.04.070(D)(2), which states that the Director
12 shall dismiss the complaint if, after investigation, the Director determines that “there is no reasonable
13 ground to believe that a violation has occurred.” The same day, Mr. Chapman appealed the dismissal
14 to the full Commission pursuant to SMC 3.70.200.

15 On September 12, 2025, the Commission Chair invited Mr. Chapman and the Mayor’s Office
16 to submit appellate briefs summarizing their positions, which both parties did. On October 1, 2025,
17 the Commission considered the appeal in its regular public meeting. The Commission heard the
18 Executive Director’s reasoning, and also received oral argument from Mr. Chapman and the Mayor’s
19 General Counsel. The Commission then deliberated in a closed session to address this quasi-judicial
20 matter. The Commission returned to open session and, upon a poll of all Commissioners, voted
21 unanimously to affirm the Executive Director’s dismissal decision.

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² The TikTok account is accessible at <https://www.tiktok.com/@cityofseattle> (last visited Nov. 5, 2025).

1 III. RELEVANT LEGAL STANDARDS

2 A. General Principles Regarding SMC 2.04.300

3 The Commission considered this matter as a potential violation of SMC 2.04.300. That section
4 of the Seattle Municipal Code provides:

5 *No elected official* nor any employee of his or her office nor any person appointed to or
6 employed by any public office or agency *may use or authorize the use of any of the facilities*
7 *of a public office or agency, directly or indirectly, for the purpose of assisting a campaign*
8 *for election of any person to any office or for the promotion of or opposition to any ballot*
9 *proposition.* Facilities of public office or agency include but are not limited to use of
stationery, postage, machines, and equipment, use of employees of the office or agency
during working hours, vehicles, office space, publications of the office or agency, and
clientele lists of persons served by the officer or agency; provided, that the foregoing
provisions of this Section 2.04.300 shall not apply to the following activities:

- 10 A. Action taken at an open public meeting by the City Council to express a collective
11 decision or to actually vote upon a motion, proposal, resolution, order or ordinance, or
12 to support or oppose a ballot proposition so long as (1) any required notice of the
13 meeting includes the title and number of the ballot proposition, and (2) members of the
14 City Council or members of the public are afforded an approximate equal opportunity
15 for the expression of an opposing view;
- 16 B. A statement by an elected official in support of or in opposition to any ballot
17 proposition at an open press conference or in response to a specific inquiry; and
- 18 C. Activities that are part of the normal and regular conduct of the office or agency.

19 SMC 2.04.300 (emphasis added).

20 In adjudicating the appeal, the Commission also relied upon the Commission’s prior decision
21 in *In re Mayor Greg Nickels*, Case No. 05-2-0413-1 (SEEC Suppl. Op. Feb. 1, 2006) (“*Nickels*”) and
22 the summary of principles regarding SMC 2.04.300 contained therein. In *Nickels*, the Commission
23 relied on decisions of the Washington State Public Disclosure Commission (the “PDC”) to articulate
the applicable test governing SMC 2.04.300. That test is “whether a reasonable person, knowing all
the relevant facts, would believe the expenditure or activity was designed *primarily* for the purpose of

1 influencing the outcome of an election.” *Nickels* at 3 (emphasis added) (citing PDC Declaratory Ruling
2 No. 1, Nov. 15, 1977, at 4).

3 The *Nickels* decision also articulated four non-exclusive factors for the Commission to
4 consider in analyzing whether a message that is conveyed at public expense is primarily for the purpose
5 of influencing the outcome of an election. These factors are: (1) the tone (style); (2) tenor (content);
6 (3) timing in relation to the events occurring during an election cycle; and (4) the audience to which
7 the message is distributed. *Nickels* at 4. All factors are to be considered under an objective, “reasonable
8 person” standard, and no single factor is determinative. *Id.*

9 **B. General Principles on Elected Officials’ and City Employees’ Use of Social Media**

10 The Commission has previously issued guidance regarding the use of social media by elected
11 officials. In Advisory Opinion 11-02E, the Commission laid out advice to elected officials regarding
12 their use of social media. In doing so, the Commission noted its concern that overregulating the use of
13 social media could do more harm than good. The Commission recognized that social media is a
14 valuable tool to allow for increased engagement and monitoring of the work done by City officials.
15 To encourage these goals, the Commission’s previous guidance stated its intent to provide as much
16 leeway as possible to elected officials’ use of social media.

17 The Commission reiterates its support for the use of social media by City officials. Social
18 media provides a valuable and cost-effective platform for officials to communicate the work of the
19 City to a wide audience—even more so today than when the Commission issued Advisory Opinion
20 11-02E nearly 15 years ago. When used appropriately, social media use by City officials provides an
21 accessible public forum, promotes transparency in government, and encourages civic participation.
22 These are desirable outcomes; indeed, they are essential features of effective democratic government.
23 As stated in Advisory Opinion 11-02E, to avoid discouraging the use of social media by City officials,

1 the Commission will not resolve close questions regarding the application of the Elections Code to
2 social media in enforcement proceedings.

3 **C. Complaint Dismissal Standard and the Appellate Standard of Review**

4 When a complaint is made to the Executive Director pursuant to Chapters 2.04 or 2.06 SMC,
5 the Election Code provides, in relevant part, that the “Executive Director shall dismiss the complaint
6 . . . if he or she determines after an investigation that (a) there is no reasonable ground to believe that
7 a violation has occurred; or (b) the violation was inadvertent and minor.” SMC 2.04.070(D). In our
8 public meeting of October 1, 2025, the Executive Director confirmed that he dismissed Mr. Chapman’s
9 complaint pursuant to subsection (a).

10 In an appeal of the Executive Director’s dismissal of a complaint, the Commission’s review is
11 governed by Rule 4(G) of its Administrative Rules. That Rule provides that “the Commission shall
12 base its review on whether the Executive Director had a rational basis for the decision and shall only
13 reverse or amend a decision to the extent that a rational basis is lacking.” Our Supreme Court has
14 described “[r]ational basis review [a]s a highly deferential standard.” *E.g., Harris v. Charles*,
15 171 Wn.2d 455, 466, 256 P.3d 328 (2011).

16 **IV. ANALYSIS**

17 To determine whether the Executive Director’s dismissal of Mr. Chapman’s complaint lacked
18 a rational basis, the Commission considered whether the TikTok account at issue reasonably appeared
19 to have been used *primarily* for the purpose of influencing the outcome of an election, including an
20 analysis of the factors laid out in the *Nickels* Decision. As explained below, because those factors do
21 not clearly establish that the Mayor’s use of the TikTok account was primarily for the purpose of
22 influencing the outcome of an election, we hold that the Executive Director’s dismissal of the
23 complaint did not lack a rational basis.

1 The first two *Nickels* factors (content and style) are the most important factors, and both
2 support the Executive Director’s dismissal decision here. The TikTok account mainly focuses on daily
3 events regarding the work of the City. As examples, there are posts highlighting the Mayor’s
4 attendance at the Parks Department’s “Big Day of Play,” at the opening of the Odessa Brown
5 Children’s Clinic in the Central District, and at the unveiling of a statue honoring former Seattle Storm
6 superstar Sue Bird. These posts and others like them are all consistent with the common practice of
7 the Mayor’s Office—indeed, the routine practice of practically any municipal leader—to inform the
8 public of events, activities, priorities, and investments. That the posts specifically feature the Mayor’s
9 attendance at or participation in such occurrences is, again, an ordinary feature of government
10 officials’ communications with their constituents. While express electioneering appeals (e.g., “vote
11 for X” or “vote against Y”) are not the only sort of content that may suggest a primary purpose to
12 influence an election, it is noteworthy that the Mayor’s Office TikTok posts reflect no such appeals—
13 nor, as far as we can discern, make even an oblique reference to the mayoral election.

14 Mr. Chapman contends that the TikTok account’s handle, @CityofSeattle, reflects an improper
15 purpose to influence an election because, in contrast with other general City social media accounts,
16 the TikTok account overwhelmingly features the Mayor. We disagree. Whether the TikTok account
17 was designated as one for the Mayor’s Office or the City as a whole does not alter the fact that its
18 posts’ content simply does not reflect an improper electoral purpose. Moreover, the Mayor’s counsel
19 represented that the @MayorofSeattle handle had already been registered by another user when the
20 Mayor’s Office decided to create a TikTok account. Adopting the more general @CityofSeattle handle
21 was a perfectly reasonable alternative under the circumstances.

22 Additionally, the audience factor is somewhat relevant to our analysis and supports the
23 Executive Director’s dismissal decision. The TikTok account is directed at the general public and there

1 is no indication that the Mayor’s Office somehow targeted particular population groups representing
2 important electoral constituencies. *Cf. Nickels* at 8 (noting that the Accomplishments Document “was
3 distributed to citizens active with the Department of Neighborhoods at a time when neighborhood
4 activists were seeking someone who favored neighborhood interests to oppose Nickels’ reelection”).
5 Notably, the most-viewed post at the time of the Executive Director’s dismissal is related to graffiti
6 removal and does even feature the Mayor. The comments of the TikTok account are also open to the
7 public, with many of the comments offering criticism of the Mayor. Unmoderated comments that are
8 open to the public are indicative of a public purpose, rather than electioneering.

9 To be sure, the timing factor weighs against dismissal, as the Executive Director recognized.
10 The TikTok account was created in July 2025, one week before the August 5 primary election and
11 with ballots having already been sent to voters. Mr. Chapman emphasized this temporal proximity in
12 his complaint, his written submission, and at oral argument. And we agree with him that the creation
13 of a new, City-operated social media account so close to an election that prominently features an
14 elected official *running* in that election could suggest a primary purpose to influence the election when
15 that timing is viewed in isolation. The relevant question, however, is whether such timing *alone* is
16 sufficient to establish a violation of the law when the remaining factors cut the other way.

17 We hold that it is not. In *Nickels*, it was central to the Commission’s finding of a violation that
18 *both* the mailing’s timing and its content reflected an electioneering purpose. And the Commission
19 then noted what we reiterate today: “All of the factors are relevant in evaluating the primary purpose
20 of the message, and no factor is determinative.” *Nickels* at 4. Thus, while the timing consideration is
21 certainly relevant here, it is by itself insufficient as a matter of law to overcome the tone, tenor, and
22 audience factors, none of which suggest that the primary purpose of the TikTok account was to
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1 influence the mayoral election. Accordingly, we conclude that the Executive Director’s dismissal of
2 the complaint does not lack any rational basis.

3 Notwithstanding that conclusion, the Commission cautions City officials and departments that
4 the timing of a particular activity can be significant in many cases. In the hearing on this appeal, the
5 Executive Director noted that, in training sessions for City employees and officials, he regularly
6 advises against adopting a new activity or form of communication in the lead-up to an election. That
7 guidance is sound and we fully endorse it. The Commission also reaffirms that “the use of public
8 facilities in an election year will receive heightened scrutiny from the Commission, and that timing
9 may cause the Commission to more readily conclude that the primary purpose of the communication
10 is to influence the outcome of an election.” *Nickels* at 8. Under the circumstances of this appeal,
11 however, the balance of factors do not indicate to a reasonable, objective person that the primary
12 purpose of the TikTok account was to drum up electoral support for the Mayor.

13 **V. CONCLUSION**

14 In sum, applying the deferential standard of review and the general principles discussed above,
15 the Commission unanimously concludes that the Executive Director’s dismissal decision is supported
16 by a rational basis. The Executive Director’s dismissal of the complaint is therefore AFFIRMED.³

17 DATED this 5th day of November, 2025.

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20 By:



Zachary J. Pekelis
Chair, Seattle Ethics and Election Commission

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23 ³ At the regular Commission meeting on November 5, 2025, all non-recused Commissioners present
voted to delegate to the Chair the authority to sign this Opinion on their behalf.