

Seattle Ethics and Elections Commission Regular Meeting

October 4, 2023

The October 4, 2023, Seattle Ethics and Elections Commission (SEEC) Regular Meeting convened in Seattle Municipal Tower Conference Room 4080 and remotely. Commissioner Richard Shordt was present. Chair Zach Pekelis, Vice Chair Kristin Hawes, and Commissioners David Perez (Commissioner Perez attended the meeting from 4:12-4:44 p.m.), Hardeep Singh Rekhi, and Susan Taylor participated via Webex. Commissioner Chalia Stallings-Ala'ilima was absent. Executive Director Wayne Barnett was present with staff Fedden Amar, Cliff Duggan, Randal Fu, Polly Grow, and René LeBeau. Chrissy Courtney and Assistant City Attorneys Gary Smith and Joe Levan attended via Webex.

The Chair called the meeting to order at 4:02 p.m. It was noted that no written public comments were received.

Final Action Items

1. Approval of June 29, 2023, Commission Special Meeting minutes

Upon hearing no comments or questions, the Chair entertained a motion to approve the June 29 Commission Special Meeting minutes. Commissioner Taylor moved, and Commissioner Shordt seconded. The June 29, 2023, SEEC Commission Special Meeting minutes were unanimously approved.

2. Approval of July 27, 2023, Commission Special Meeting minutes

Upon hearing no comments or questions, the Chair entertained a motion to approve the July 27 Commission Special Meeting minutes. Commissioner Shordt moved, and Vice Chair Hawes seconded. The July 27, 2023, SEEC Commission Special Meeting minutes were unanimously approved.

3. Settlement Agreement in Case No. 23-2-0725-1 *In the Matter of Ron for Seattle*

The Director said that Ron Davis is a candidate for City Council District 4. Mr. Davis sent two letters to District 4 residents that failed to include the requisite "paid for by" language (SMC 2.04.290.B.1). In researching cases from the past, the Director found one from 2017 where the

Police Officers Guild failed to include an expense on an independent expenditure. The Director stated that this is a very rare kind of violation.

The Director decided on a fine of \$1,000. The Ron for Seattle campaign agreed to the Settlement Agreement and will pay the fine as stated. The Director noted that the candidate and their campaign were very cooperative throughout the entire process.

The Chair noted that Mr. Davis was present at the meeting via Webex and asked if he would like to add any comments. Mr. Davis admitted the error and accepted the fine. He was glad to work with the Commission to make sure everything was in compliance. Mr. Davis thanked the Commissioners for the opportunity to appear. Commissioner Taylor thanked Mr. Davis for coming; that it was helpful to hear from him directly.

The Chair entertained a motion to approve the Settlement Agreement. Commissioner Taylor made the motion and Commissioner Singh Rekhi seconded. The vote was unanimous to approve SEEC Settlement Agreement No. 23-2-0725-1 *In the Matter of Ron for Seattle*.

Discussion Items

4.a. Preliminary Planning – 2024 Election

The Director requested to start with potential special election questions. The Chair agreed to hear Discussion Item 4.a. before the DVP report. The Director said that there are some issues that the Commission needs to consider. Unfortunately, decisions need to be made before it is known if there will be a special election next year. Some 2024 pre-election preparations cannot wait until King County Elections verifies the General Elections results on November 28. If Councilmember Teresa Mosqueda (Citywide Position 8) is successful in her campaign for Metro King County Council Position 8, it will create a Citywide vacancy. Filling the vacancy will necessitate a 2024 Primary Election and General Election.

1) Action: Move the initial mailing date to March 12, 2024.

The Director said in regular elections, vouchers are mailed out in February. To avoid voter confusion with the March 12, 2024, Presidential Primary Election, staff advises moving the voucher mailing out one month until after the Presidential Primary.

Commissioner Shordt mentioned the vacancy would occur January 1, 2024. The Commissioner asked if candidates could immediately file if they choose to run. The Commissioner

also asked if moving out the mailing date would impact candidates to use the online portal. The Director said everything would be open on March 12. Going through the process of getting a campaign up and running, Commissioner Shordt wondered if campaigns would be impacted or eliminated in some way by SEEC pushing the date out. The Director replied that he does not think the delay would have an impact.

(The Chair noted that Commissioner Perez had joined the meeting and was available to vote on these action items as well.)

On hearing no further discussion or questions about moving the date, the Chair accepted a motion by Commissioner Rekhi and seconded by Commissioner Perez. The motion to move the voucher mailing date to March 12, 2024, was unanimously approved.

2) Action: Set candidate funding amount.

The Director said this item involves the Maximum Campaign Valuation (MCV) which the SEEC sets for candidates. It is recommended to leave the MCV at the same level as the 2021 Citywide elections which was \$375,000. In 2024, SEEC must roll out a whole new suite of maximum campaign valuations for 2025. That process will be done reasonably and in a deliberate manner. The Director stated that there is not enough available time right now to do what needs to be done for a 2024 election. Currently, the Director believes the MCV does not need to be increased as there have been only two candidate races where the MCV was exceeded in past races.

The Chair raised his concern that Citywide races are more expensive than District races. The Chair asked if any comment from perspective campaigns or campaign professionals had been received or solicited on leaving or increasing the MCV. The Director responded that input was neither solicited nor received from campaign professionals or potential candidates.

The Chair asked if it would be feasible to table this for more thought and reflection and revisit next month. The Director agreed that discussion could wait a month. Ms. LeBeau raised concerns about deadlines for publishing candidate educational materials and translations as well as preparation for a short advertising window.

Vice Chair Hawes said she would be disinclined to change the limit here, given that it is a special election; the Commission is under time constraints in terms of evaluating what is appropriate to implement something that might subsequently have to be modified in advance of

2025. The Chair countered that voter participation is likely to be much higher next year as the special election will occur during the presidential election.

The Chair said he agreed with the Vice Chair regarding raising the amount only to know it may be backed down again. The Chair appreciates the risk and Ms. LeBeau's concern with the need to print materials. Having to decide on this issue expeditiously is important. The Chair stated he is comfortable voting in favor of retaining the 2021 amount.

Commissioner Shordt expressed concerns with participation being up that by not raising the amount, it may unintentionally harm the program or miss an opportunity to really expand and highlight the program's value. The Chair asked if the last two at-large City Council campaigns were both within the MCV or if they were both part of the Democracy Voucher Program. The Chair again said he was uneasy looking at the low number and thinking about a Citywide campaign during a presidential election year.

The Chair also shares Commissioner Shordt's desire to not discourage participation in the program as campaigns may assess they are not able to run an effective campaign complying within that number. The Chair reversed his previous decision and would like to study this issue for a bit longer. Ms. LeBeau said there is a legal deadline to publish the available funds limit before January 1.

The Chair mentioned he would welcome public comment specifically by campaign professionals to get some perceptions into what they might anticipate. It would be optimal to have more insights from insiders and members of the public so that the Commission can make an equitable and prudent decision.

It was noted that the November 1 Commission Regular Meeting will occur before the November 7 General Election. If Councilmember Mosqueda is successful in her campaign for the Metro King County Council, there may be a need to call a Special Meeting to finalize special election decisions.

3) Action: Determine budget for the Democracy Voucher Outreach Fund.

The Director is looking for the Commissioners to set a Community-Based Organizations (CBO) budget in case of a special election and noted there is not sufficient time to run a new CBO RFP before 2024. The Director said Staff will be evaluating the current CBOs' outreach results.

After evaluation, some of the more successful CBOs may be asked to continue outreach during a special election. The Chair stated he served on the board of one of the current contracted CBOs (The Washington Bus) and will recuse himself on this matter. The Vice Chair lead the discussion on the suggestion to continue the awards of certain organizations that have performed well. Commissioner Taylor questioned what the criteria would be for determining the organizations' 2023 election cycle accomplishments. Ms. LeBeau mentioned items such as the number of contacts made, the amount of material distributed, their area of outreach and languages covered in addition to their final 2023 reports submitted to SEEC.

Ms. LeBeau said they would then contact the selected CBOs to check their availability in 2024 and if they would want to do the work. The Vice Chair asked in terms of the budget what would be the amount given that 2024 would be a year where fewer elections are being contested. Ms. LeBeau responded that the full budget of \$225,000 would be greatly appreciated. Ms. LeBeau discussed the oddness of having the special election. It is going to be new to the residents of the City; especially for people who are not used to or understand these election cycles. Therefore, the messaging will be more complicated. Even though it may be a single race, it is still an opportunity for additional education and awareness around what the Democracy Voucher Program does. It will also get people prepared for the 2025 election cycle.

The Director stated that the budget would not be needed until the verification of the 2023 General Election; does not need to be spent right away; the ask is for the budgetary authority. Ms. LeBeau explained that the current CBO contracts will soon be ending in the City's financial system. It is believed that it would be easier to keep those contracts open and move them into a 2024 contract amendment. Commissioner Shordt assumed some of the CBOs may be involved in upcoming campaign-related activities. The Commissioner advised to confirm that organizations can support outreach efforts before they take on other obligations.

The Vice Chair entertained the motion to approve the \$225,000 budget for special election outreach. Commissioner Taylor seconded the motion. The motion was approved by the Vice Chair, and Commissioners Perez, Rekhi, Shordt and Taylor, with Chair Pekelis abstaining.

4) Action: Determine the amount of Democracy Vouchers per resident.

The Chair asked the Director for a brief explanation of this item. The Director stated that this is probably the second biggest issue – how many vouchers do we send people? They will have only one race and might likely support only one candidate. This is looking at it from a perspective of how many people can participate in the program. If all the vouchers are mailed out and only 14,000 are used, that is not an ideal situation. It will mean a lot of recycling. Information was provided showing examples of one to four vouchers per resident. Each example was the best-case outcome with six candidates fully utilizing vouchers, and each resident giving all their \$25 vouchers to eligible candidates with an assumed candidate fund of \$1,425,000.

- Four vouchers (\$100 total) could have 14,250 resident vouchers count.
- Three vouchers (\$75) could have 19,000 resident vouchers count.
- Two vouchers (\$50) could have 28,500 resident vouchers count.
- One voucher (\$25) could have 57,000 resident vouchers count.

The Director said providing two vouchers (\$50 total) would reach 28,000 people, which is in line with the number of residents who have recently used their vouchers. The Director recommends two vouchers for \$50 total for a 2024 special election.

The Chair expressed his concern that participation may increase on all fronts in 2024, and 28,000 vouchers would be an insufficient number. The Chair asked if the Commissioners had strong views on any portion of this issue.

Commissioner Shordt asked if there was a sense from past races if most individuals gave all their vouchers to a single candidate. Ms. LeBeau responded that most individuals gave their vouchers to a single candidate. Commissioner Shordt agreed with the Chair that the more participation that can be encouraged in the program, the better.

The Vice Chair voiced concern that if voters have only one voucher then campaigns may think it is going to be a lot more work to solicit vouchers. In terms of accruing value, many may be inclined to opt out. The Vice Chair asked if only one \$25 voucher been previously offered. The Director said that the program has never offered just one \$25 voucher. The Vice Chair commented that whatever amount is used, it could be effectively communicated in the messaging and materials going out to residents.

Commissioner Taylor asked if it was clear that the Director had considered the balance already. The Director responded that he had considered the balance; however, there is no data to back up his recommendation – just good intentions. Commissioner Shordt asked the Director to confirm that the program keeps an accurate account of disbursed vouchers from past elections. The Commissioner would like to see that information to get a sense of previous participation. Ms. LeBeau said the data could be obtained. Ms. LeBeau also mentioned in the last few years that the public in general has more awareness of the program.

The Chair stated that a lot is contingent on the total campaign fund which itself depends on the CMV that needs to be set and the actual number of Democracy Vouchers. All of these hypotheticals are based on the assumption of a candidate fund of \$1,425,000 which is based on a theoretical number of six voucher candidates (could be more or could be less), and the \$375,000 MCV. The Chair assumes if the MCV is raised and there are eight Democracy Voucher-eligible candidates, then having two vouchers per voter would allow more voters to have their vouchers counted.

The Vice Chair asked how many program-eligible candidates were in the last Citywide Position election. In the 2021 Position 8 and Position 9 races, each race had four program-eligible candidates. The Chair said there seemed to be a consensus and would enter a motion. Commissioner Shordt made the motion to approve two \$25 vouchers (\$50 total) per resident; the Vice Chair seconded the motion. The motion was approved by the Chair, Vice Chair, and Commissioners Rekhi, Shordt and Taylor.

5) Action: Adjust individual contribution limits.

Director Barnett said this item is a preview and did not need to be voted on today. Approval of the Mandatory Limits on Campaign Contributions rule will be on the November 1 agenda. The Vice Chair believes it would be helpful to have a notation as to when the limit was last increased.

In Summary

The mailing date for vouchers to residents was approved for March 12, 2024. The issue of setting candidate funding amounts has been deferred. Commissioners approved the budget for the Democracy Voucher outreach fund. The Commission approved setting two vouchers for residents

for \$50 total consistent with the Director's recommendation. And, the Chair noted the Commission was informed by the Director of the upcoming adjustments to individual contribution limits.

In terms of the process for revisiting the candidate funding amount, the Chair mentioned that it would be interesting to hear from the public. If the Commissioners need to act faster than the first week in November, the Chair suggested getting a quorum for some time in the middle of October.

4. **Democracy Voucher Program report**

The Director and Ms. LeBeau were happy to answer any questions the Commissioners may have regarding the report. The Chair mentioned the results were really heartening.

5. **Executive Director's report**

The Director is still trying to find a successor to Commissioner Rekhi. The Director hopes that the Commissioners can provide the names of people who are interested in serving a Mayor-appointed term expiring in December 2025. The goal is to provide a name soon to the Council President.

There are two Commissioners whose term expires December 31, 2023. The Director will be reaching out to them towards the end of the year to gauge their interest in continuing to serve on the Commission.

The Chair asked the Commission if there were any other matters to take up before adjourning. Hearing none, the Chair adjourned the October 4, 2023, SEEC Commission Regular Meeting at 5:06 p.m.