

Seattle Ethics and Elections Commission Regular Meeting

October 1, 2025

The October 1, 2025, Seattle Ethics and Elections Commission (SEEC) Regular Meeting convened in Seattle Municipal Tower Conference Room 4080 and remotely. Chair Zach Pekelis [Chair], Vice-Chair Jonathan Schirmer [Vice-Chair], and Commissioners Bobby Forch and Vivian Vassall were present. Commissioners Kristin Hawes and Kai Smith participated via Webex. Six Commissioners present constituted a quorum. Executive Director Wayne Barnett [Director] and staff members Cliff Duggan and René LeBeau were present as well as Assistant City Attorneys Joe Levan and Gary Smith. Staff members Fedden Amar, Chrissy Courtney, Randal Fu, and Polly Grow participated via Webex.

The Chair called the meeting to order at 4:01 p.m.

Discussion of Written Public Comment (if applicable)

The Chair acknowledged receipt of written public comments on the adjudicative appeal and that they had been distributed to all Commissioners.

Final Action Items

1. Appeal of Executive Director Dismissal of Chapman Complaint

The Chair acknowledged receipt of written submissions by Mr. Paul Chapman and by Assistant City Attorney Smith, as well as an email summary of the Director's dismissal in the case.

Before proceeding, the Chair offered to recuse himself from the matter based on a perceived conflict of interest. Mr. Chapman was informed of the conflict and elected to waive the recusal and consented to the Chair continuing to adjudicate the appeal.

The Director stated the use of City resources to promote a candidate, especially in a Mayor's reelection, is one of the issues the Director has heard and trained about extensively since joining the Commission 20 years ago. The Director has always advised people not to do new things during an election season; i.e., dramatically increase the circulation of your newsletter, have more shows on the Seattle Channel, do anything to increase your outreach that you haven't done already, etc. However, on this appeal, the Director is not an advisor or a trainer but someone who dismissed a complaint under the Elections Code.

The Director is defending the decision because it cannot be proved by a preponderance of the evidence that the Mayor's use of City resources violated the Elections Code. The Director was guided by a decision handed down 20 years ago by the SEEC Commission in SEEC Case No. 05-2-0413-1 involving Mayor Nickels' accomplishments document. The eight-page document was entitled "Mayor Greg Nickels THREE YEARS OF ACCOMPLISHMENTS 'Making a difference in people's lives'" containing bullet points outlining his successes in office.

It is not enough to ask whether the use is informational or promotional, because in a political environment there is an element of promotion intrinsic in the enterprise. Because the tone and tenor of a document matters, the Commission began its analysis on the content and style of the document to determine if it was primarily designed to influence the outcome of an election or primarily designed to be informational.

The Commission at that time noted the title and timing of Mayor Nickels' accomplishments document, saying that timing may cause the Commission to more readily conclude the primary purpose of the communication was to influence the outcome of an election.

When applying that decision to the current matter, the Director reviewed the Mayor's use of social media. The Director stated that he dismissed the appeal on September 4, 2025; the

Director's analysis ended on that date. Almost all of the social media was about current events and daily goings on; i.e., Big Day of Play (Parks Department), Odessa Brown Children's Clinic's Central District opening in the Central District, etc. For the Director, the only item on the other side of the ledger is the timing. The timing is not insignificant - but not enough to overcome the fact that there was not enough evidence to establish use.

The Chair clarified the grounds of the dismissal decision referring to Seattle Municipal Code 2.04.070.D. It is the Chair's understanding that the Director dismissed on the grounds it was determined after the investigation that there was no reasonable ground to believe that a violation had occurred.

The Chair proceeded to the arguments of the parties.

Mr. Chapman thanked the Commission and the Director for taking up the matter and agreed with the Director that it is an important matter. The elections are important and preserving ethics and abiding by the law within the elections is critical.

Mr. Chapman referred to the Director's candidate advisory and training guidance not to do new things during an election season. Mr. Chapman said the Mayor has objectively started a new thing during election season – a new TikTok account one week prior to the Primary Election shortly after he received polling news. TikTok has been available since 2018; TikTok has been popular throughout the Mayor's term.

The new thing the Mayor started in July of this year was a City of Seattle account. As the analysis in the document provided shows, the City of Seattle account on TikTok is not a mirror image of the City of Seattle Instagram account. It is not a Citywide focus; it is very clearly a mayoral focus. The Mayor's Instagram account was not started in an election season. The TikTok

account on the other hand is being used to highlight the Mayor's accomplishments. What the Mayor is doing is a new thing in the election season.

It is Mr. Chapman's opinion that the Mayor is trying to reach an audience that he wasn't reaching before the primary election. This is the reason why Mr. Chapman believes the Mayor has violated the election ethics guidelines.

The Chair questioned if the fact that it is branded was an essential factor. If it were labeled the Mayor of Seattle TikTok account or the Mayor Bruce TikTok account, the Chair asked Mr. Chapman if he would still feel that it was ethically problematic. Mr. Chapman responded yes. Mr. Chapman said if the Mayor started a Mayor Bruce Harrell TikTok account, he'd be creating a new thing to promote what he's doing to a new audience. Mr. Chapman feels this is violating the guidance not to start a new way of communicating with voters in the middle of an election season.

The Chair asked a hypothetical question. If the Mayor's Office had started this account a year ago in September 2024, the content is effectively identical, and it was called the Mayor Bruce TikTok account, would the Commission be hearing this complaint today. Mr. Chapman responded no. Mr. Chapman noted the account is labeled City of Seattle obfuscating the fact that it is almost exclusively mayoral content rather than the mirror of the Instagram account which has a much broader set of content.

Mr. Chapman stated again had the City of Seattle created a City of Seattle TikTok account sometime during this year and simply posted the same content that was available on the Instagram account, it would be a different thing. The timing of the TikTok account is such that it appeared one week prior to the primary election.

The Chair moved to hear from the Mayor's Office and asked Deputy Mayor [DM] Wong to come to the table.

DM Wong introduced himself as counsel for the Mayor's Office representing Mayor Harrell in this hearing. The Mayor's Office asks that the Commission affirm and uphold the dismissal by the executive director. The question before the Commission is whether Director Barnett's decision has a rational basis.

DM Wong said the items being promoted in the accounts are the City of Seattle. It highlights the daily activities of the Mayor and the Mayor's Office. The content is relevant as the Mayor is an incredibly external mayor as a consistent promoter and chief for the City, its people, its communities, and its investments.

DM Wong stated that TikTok is new this year. It is a new vehicle for something that the Mayor has done on a consistent basis. The content of the Mayor's videos show he's talking about the people, and he sometimes is integrating folks and having them talk. The City's social media policy supports active use of social media to inform the public of the City's work. DM Wong said when information is put on social media, an open public forum is created allowing for robust discussion.

DM Wong acknowledged TikTok was created in the Mayor's Office this year and said implementation was delayed due to internal issues. DM Wong said the sole fact it was done in 2025 is not sufficient to show an ethics violation. It is necessary to see the degree of public involvement and engagement the Mayor has had to-date. The DM believes the TikTok account is a new way of disseminating information than has already been done. From an ethics perspective, the Mayor's Office believes social media is a public asset to be used for public purposes.

Mr. Chapman began his rebuttal by acknowledging DM Wong's agreement that the Mayor started a new thing with the TikTok account, and it was started to highlight the Mayor's public accomplishments to a new audience. However, content is not the only thing at issue. The issue is the content and the timing of the account. Mr. Chapman's analysis of the new TikTok account under the City of Seattle handle highlights predominantly 80 percent of posts featuring the Mayor while the City of Seattle Instagram account has dramatically fewer mayoral features.

To DM Wong's comment on there being nothing wrong with more people hearing the information, Mr. Chapman said the TikTok account was started as a new thing to try to get more people to hear about the Mayor's accomplishments. Mr. Chapman shared that posting the exact same content on multiple platforms is done by many people every day.

Mr. Chapman clarified that social media exists to promote the person using social media. The City of Seattle TikTok account highlights the Mayor. It is Mr. Chapman's opinion that the City of Seattle does not come through. Mr. Chapman believes it is advertising; it is marketing the Mayor. This is the media function of social media.

Commissioner Hawes followed up on the point with respect to the Mayor's accomplishments versus the City of Seattle's accomplishments. The Commissioner asked Mr. Chapman if it was his position that a viewer of the City of Seattle TikTok account would look at that account and assume that the events celebrated or noted are to be attributed to the Mayor.

Mr. Chapman responded yes. When viewing the City of Seattle TikTok page, a person is faced with thumbnail after thumbnail of the Mayor. It is the City account but what is seen is the Mayor. However, the City Instagram account displays a variety of things.

The Chair asked if there were any other questions for Mr. Chapman. Hearing none, the appeal hearing was concluded. The Chair thanked both parties for their arguments and the Director for a summary and contributions.

The Chair announced that the Commission will go into a closed session to discuss this quasi-adjudicative matter at the end of today's Commission meeting.

Commissioner Smith noted that he had previously communicated to Mr. Chapman and Mr. Wong but wanted to put on the record as well and for the benefit of the other Commissioners that he recused himself from this appeal.

Mr. Chapman asked about the next steps in the process. The Chair said a written opinion will be issued describing the reasoning for the decision of the Commission.

2. Adoption of October 1, 2025, SEEC Regular Meeting minutes

The Vice-Chair made the motion to adopt the October 1 meeting minutes, and it was duly seconded. The October 1, 2025, SEEC Regular Meeting minutes was adopted by six ayes.

Discussion Items

1. Democracy Voucher Program report

Ms. LeBeau reviewed the Democracy Voucher Program report. The 2025 utilization of available DVP funds is in line with 2021 utilization. Preparation has begun to launch the 2026 Democracy Voucher Outreach Fund RFP with a focus on District 5. A Q&A session will be held with community partners later in October.

2. Executive Director's report

The Director reported that Commissioner Rich Shordt's Council-appointed vacancy remains open. The Director also mentioned the Chair's appointment ending December 31 and will resume communications with the Mayor's Office after the General Election.

At 5:07 p.m., the Chair announced that the Commissioners would convene in a closed session for the purpose of deliberation related to a quasi-judicial matter.

3. Decision on Appeal of Executive Director Dismissal of Chapman Complaint

At 5:30 p.m., the Chair announced the meeting was again in open session after the Executive Session among the Commissioners and Counsel discussed a quasi-judicial matter.

The question in this appeal of the complaint is brought by Mr. Paul Chapman. The Director dismissed the complaint pursuant to Seattle Municipal Code 2.04.070.D (Complaint procedure) where the Director concluded after an investigation that there is no reasonable grounds to believe that a violation has occurred. And this appeal, pursuant to the SEEC Administrative Rule 4.G (Appeals), is within the Commission's jurisdiction to consider whether the Director's decision lacked a rational basis.

The Chair instructed that if a Commissioner determines the Director's decision has a rational basis, then to vote to affirm. If a Commissioner determines the Director's decision lacks a rational basis, then to vote to reverse the decision. Commissioner Smith was recused. Each of the five remaining Commissioners were polled. Vice-Chair Schermer, Commissioners Forch, Hawes, Vassall, and Chair Pekelis unanimously voted to affirm the Executive Director's decision to deny Mr. Chapman's appeal.

A written opinion describing the reasoning for the decision of the Commission will be issued forthwith.

Hearing no further comments for the good of the order, the October 1, 2025, SEEC Commission Regular Meeting was adjourned at 5:36 p.m.