

Seattle Ethics and Elections Commission Regular Meeting
December 6, 2023

The December 6, 2023, Seattle Ethics and Elections Commission (SEEC) Regular Meeting convened in Seattle Municipal Tower Conference Room 4080 and remotely. Chair Zach Pekelis, Commissioners David Perez, Hardeep Singh Rekhi, Richard Shordt, Chalia Stallings-Ala'ilima, and Susan Taylor participated via Webex. Vice Chair Kristin Hawes was absent. Staff members René LeBeau, Cliff Duggan, and Randal Fu were present with Executive Director Wayne Barnett, Fedden Amar, Chrissy Courtney, and Polly Grow, joined by Assistant City Attorneys Gary Smith and Joe Levan, via Webex.

The Chair called the meeting to order at 4:03 p.m.

Final Action Items

1. Approval of November 1, 2023, Commission Regular Meeting minutes

Upon hearing no comments or questions, the Chair entertained a motion to approve the minutes. Commissioner Rekhi so moved, and Commissioner Shordt seconded. The November 1, 2023, SEEC Commission Regular Meeting minutes were unanimously approved.

2. Approval of Elections Code Rule 18 Special Elections

The Director stated Elections Code Rule 18 was created to cover the 2024 special election to fill a vacancy for City Council Position 8. The rule addressed the Maximum Campaign Value, the contribution limit for Democracy Voucher participants, the number of vouchers to be issued, and the deadline for candidates filing a pledge to participate in the DVP.

Mr. Levan asked if the Director wanted to address the 50-50 Primary and General Election allocations. The Director said it was discussed at the November meeting, and that he believes the Commission does have the power to change the allocation. The Chair said the

general consensus was to retain a 50-50 allocation for the special election. The Director pointed out that there would be huge budget impacts if the money was weighted more towards the Primary than the General.

The Chair entertained a motion to approve the rule. The motion was made by Commissioner Short and seconded by Commissioner Stallings-Ala'ilima. Elections Code Rule 18 Special Elections was unanimously approved.

3. Merit Leave Determination

See Discussion Items, Item No. 4.

Discussion Items

4. Executive session to receive legal advice

At 4:08 p.m., the Chair called an Executive Session for the Commissioners to review the performance of a public employee as well as have a discussion with legal counsel regarding litigation or potential litigation when public knowledge regarding the discussion is likely to result in an adverse legal consequence. At the end of the Executive Session, the Commissioners and Assistant City Attorneys Levan and Smith rejoined the regular meeting.

The Chair returned to Action Item 3 – Merit Leave Determination. The Chair said the Commissioners had the opportunity to discuss the Director's performance in 2023. The Chair extended his thanks to the Director for the excellent job in leading the Commission staff as director; in particular, the ambassadorship for the Commission and the Democracy Voucher Program. The Chair would fully support Level 3 performance rating and an award of six merit days. The Director expressed his thanks.

Commissioner Stallings-Ala'ilima appreciates the Director for always having information to make sure the Commissioners are able to effectively do their job. The Commissioner made the

motion to award the Director's 2023 performance level 3 with six merit days. Commissioner Rekhi seconded the motion and thanked the Director for his hard work. The motion carried unanimously.

5. Election of 2024 SEEC Commission Chair and Vice Chair

The Chair stated he was content serving one term and believed the natural progression was for the Vice Chair to assume the Chair's role. The Director said that election of Chair and Vice Chair may be deferred to the January meeting as the Vice Chair was unable to attend today's meeting. This would allow the Chair time to discuss with the Vice Chair and Commissioners regarding their interest in the role.

6. Campaign committee late filing penalty

The Director explained that Energize Washington PAC made independent expenditures on behalf of a City Council candidate. However, the PAC did not submit reports in a timely manner thereby holding up the Maximum Campaign Valuation release of the candidate's opponent towards the end of the election. Commissioner Rekhi asked if the \$900 fine was consistent with previous missed deadlines. The Director responded that generally derelict committees were given the maximum fine, which is what this fine represents.

7. Democracy Voucher Program report

Ms. LeBeau provided the Commissioners with the December 6 Democracy Voucher Program Update. December 1 was the last day to redeem General Election Democracy Vouchers. Only the two District 5 City Council candidates had not reached their Maximum Campaign Valuation (MCV). Mr. Fu is continuing to organize feedback sessions from General Election candidates and campaign staff. Information from the sessions will be summarized into an action

item sheet to see what can be procedurally addressed or make changes for improvements and then see what things are more policy oriented.

The Program is now preparing for the 2024 Special Election. Staff has worked with the Program's printing and mailing vendor on getting outer envelope, mailing envelope, FAQ insert, as well as the voucher layout artwork ready. The Program is making as much reference as possible that the two vouchers (\$50) are only for the 2024 Election Cycle. Additionally, Community-Based Organization (CBO) contract opportunities for 2024 are being finalized.

Work will also begin on the 2023 Biennial Report due at the end of every Election. This report will go to the Commissioners and the City Council as well as being available to the public.

Commissioner Taylor asked if there was anything particularly surprising from the candidates' feedback so far. Ms. LeBeau said that candidates and campaigns have been very free throughout the year to give feedback on the ways the Program can be improved. In the sessions that Ms. LeBeau attended, there were questions regarding paying to collect campaign forms.

The Chair noticed a dip from 2019 in terms of utilization participation and wondered if there was anything obvious to account for it. Ms. LeBeau said she would like to look to see if the number of qualified candidates could be at play here. There is also a need to look at the factor of how much private funding versus Democracy Voucher funding was utilized by the campaigns.

Commissioner Stallings-Ala'ilima asked if there was any sense of whether the Program had more or less engagement than the overall voter turnout in terms of percentages and people who participated. Ms. LeBeau said that would be a difficult question to answer easily. Again, it would be looking at where candidates raised and used private money. This cuts into the amount of voucher money that they can utilize and may have been a factor in Democracy Voucher

utilization. However, campaigns were getting maxed out, so they were able to get the number of voters needed to fund their campaigns.

Ms. LeBeau mentioned a question coming up in feedback regarding the campaign form collection issue. There was concern that candidates did not get their voucher money in a timely manner to be competitive. The timeline for providing voucher funds is an area that saw some upticks this year; the Democracy Voucher Program is definitely looking to improve the process.

8. Executive Director's report

The Director announced that Vice Chair Hawes has agreed to stay on the Commission for a second term expiring December 31, 2026. The Director will prepare and put forward the Vice Chair's nomination.

The Commission will soon be determining the spending limits for the 2025 Election Cycle. Next year, candidates will be running for Mayor, City Attorney, and City Council Positions 8 and 9. The 2025 Election Cycle begins January 1, 2024. However, SEEC is not fully prepared to meet this date but will work with the Commission at the start of next year.

Commissioner Shordt wondered if the levy that funds the program expires in 2025 or 2026, and if it will be an issue to tackle in 2024. The Director responded that SEEC cannot promote a ballot measure. SEEC will be involved with how it works and what changes need to be made. SEEC is very mindful that the campaign will have to be run by others. It will be on the 2025 ballot as the action cannot be done until it is less than 12 months before the levy expires.

The Director asked if the Commission would consider rescheduling the January 3, 2024, Regular Meeting to the second week of the month. The Director mentioned that Staff would prefer to push the meeting out a week to allow adequate time for preparation. The Chair agreed

to plan for a January 2024 Commission meeting during the second week. The Director will poll the Commissioners for their availability.

The Chair asked the Commission if there were any other matters to take up before adjourning. Hearing none, the Chair wished everyone happy holidays and adjourned the December 6, 2023, SEEC Commission Regular Meeting at 5:18 p.m.