

Memo

To: Commission

From: Wayne Barnett

Date: December 1, 2016

Re: Voucher holders and search engines

Since the Commission first started posting the campaign finance data that it collects to the Internet, it has been confronted with the difficulty of balancing its mission to ensure that the public has access to information about who is contributing to City campaigns, and campaign contributors' privacy interests. This tension was known to the drafters of the Elections Code, which includes the following provision at SMC 2.04.150.B:

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns so as to assure continuing public confidence of fairness of elections, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to ensure that the information disclosed will not be misused by arbitrary and capricious purposes and to ensure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.

The balance the Commission struck many years ago to accomplish these competing goals was to (1) make it easy for people who go to the Commission's web site to search for information on the names of persons who contribute to City campaigns, but at the same time to (2) not make public contributors' addresses, and (3) "shield"¹ contributors' names from search engines. If someone enters the name of a person in a search engine, Commission records detailing that person's contributions to Seattle City candidates will not be among the records returned. The theory, as I understand it, was that an employer searching the web for information on a prospective employee, or a landlord searching for

¹ The Commission cannot *compel* search engines not to collect the data. When the information is coded, a line of code is inserted which asks "bots" to move along without collecting the data. As of this date, staff is unaware of any search engines that ignore this request.

information on a prospective tenant, should not be able to learn which candidates and causes that prospective employee or tenant supported without some effort.

As we roll out the voucher program, we will have an entire new data set going on-line and thought it was a good time for the Commission to affirm or rescind its directive on exactly how public information on political contributions to City candidates and ballot measures should be. Moreover, I-122 added Section 2.04.658 to the Elections Code, and that section reads:

Assigning a Democracy Voucher is a public act and recipients of Democracy Vouchers shall expect same to be public and made public and shall have no expectation of privacy in registering to obtain Democracy Vouchers or in assigning same. All Democracy Voucher holders are on notice the process is public and transparent, except that SEEC shall not publish mail, email or other addresses to which Democracy Vouchers are sent. SEEC shall make transparent at its offices and on its website all assignments and redemptions of Democracy Vouchers including recipient name, Democracy Voucher identification number and suffix, date assigned, to whom assigned, when redeemed and amount redeemed. SEEC shall provide other necessary means to make the Seattle Democracy Voucher process and Program open and transparent so that each Democracy Voucher recipient and the media and public may track assignments of Democracy Vouchers to assist in exposing any potential forgery, fraud, or misconduct regarding same....

The Commission could reasonably decide that Section 2.04.658 calls for more transparency around democracy vouchers than around other campaign contributions. Or it could decide to hew to one standard, either treating democracy vouchers like other contributions and shielding them from search engines, or reversing course and making all campaign contributions visible to search engines.