

**Seattle Ethics and Elections Commission Regular Meeting
December 7, 2016**

The regularly scheduled meeting of the Seattle Ethics and Elections Commission convened on December 7, 2016 in Room 4080 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Vice Chair Brendan Donckers called the meeting to order at 4:00 p.m. Commissioners Charlene Angeles, Bruce Carter, Alexandra McKay and Hardeep Singh Rekhi were in attendance. Commissioner Vickie Rawlins joined the meeting by telephone for the first five agenda items, and arrived at the meeting in time to participate in Agenda Item 6 and the ensuing agenda items. Commission Chair Eileen Norton was absent. Executive Director Wayne Barnett and staff members Bob DeWeese, Polly Grow, Rene LeBeau, Marc Mayo, Jenna Smith and Annie Tran were present. Assistant City Attorney Jeff Slayton was also present.

1) Public Comment

Alex Tsimerman gave public comment.

Action Items

2) September 7, 2016 regular meeting minutes

Commissioner Carter made a motion to adopt the September minutes and Commissioner Rekhi seconded the motion. The motion passed unanimously.

3) October 5, 2016 regular meeting minutes

Commissioner Rekhi made a motion to adopt the October minutes and Commissioner Carter seconded the motion. The vote in favor was 5-0, with Commissioner Angeles abstaining.

4) November 2, 2016 regular meeting minutes

Commissioner Carter noted that the list of Commissioners in attendance at the November meeting was incorrect. He then made a motion to adopt the November minutes as amended, and

Commissioner Rekhi seconded the motion. The vote in favor was 4-0, with Commissioners Angeles and McKay abstaining.

5) Election of officers

Commissioner Carter made a motion to elect Eileen Norton to continue to serve as Chair in 2017, and Brendan Donckers to continue to serve as Vice Chair. Commissioner Angeles seconded the motion. The vote in favor was unanimous.

6) Merit leave determination for Executive Director

The Commission went into executive session to discuss the Director's performance. When they returned, Commissioner Rawlins made a motion to award the Director six merit leave days. Commissioner Carter seconded the motion, and it passed unanimously.

7) Rules implementing I-122

The Director summarized the changes to the rules since the November meeting. Commissioner Carter asked what the timing would be on referrals to the City Attorney for criminal prosecution. The Director replied that he preferred to take that issue up on a case-by-case basis. There may be times when deferring to a criminal prosecution makes sense, and other times when it does not.

Commissioner Rawlins asked whether existing rules deal with valuable items owned by a committee at the end of a campaign, and the Director confirmed that is covered by existing law. She then asked about vouchers assigned under duress, and Assistant City Attorney Slayton discussed the options available to the Director in such a circumstance.

The Vice Chair asked about duplicate vouchers, and the Director and Ms. LeBeau both said that the software should enable the Commission to flag duplicate vouchers before any money is released to a candidate.

Commissioner Rawlins made a motion to adopt the rules and Commissioner McKay seconded the motion. The vote in favor of the motion was unanimous.

8) Contributions from participating candidates under I-122

The Director introduced the topic by saying that the task before the Commission is one of statutory interpretation, not policymaking. I-122 is silent on the question of whether it limits contributions from candidates. In the absence of public financing, *Buckley v. Valeo* bars limits on candidate contributions to their own campaign because such contributions cannot corrupt the candidate. Assistant City Attorney Slayton then discussed the constitutional bases for campaign finance regulations.

Commissioner McKay said that she did not believe I-122 changed the basic rule that a candidate can contribute unlimited amounts to their own campaign. She said the language in I-122 about soliciting and receiving contributions does not square with a candidate's contributions to their own campaign.

Commissioner Carter asked whether Seattle's old public financing program limited candidate contributions, and Commissioner Angeles said that it limited contributions to three percent of the spending limit.

Alan Durning from Sightline indicated that the drafters intended to limit candidate contributions as well.

Commissioner Angeles said that she, like Commissioner McKay, read the contribution limit language under I-122 to not apply to a candidate's contribution of their own resources.

Commissioner Carter said he was interested in what other jurisdictions have done. Commissioner Rekhi agreed that what other cities did was relevant.

The Commission directed staff to look at what other public financing programs do regarding candidate contributions and whether those have been upheld by courts, to provide the materials on the measure from the 2015 voters' pamphlet, and asked Mr. Slayton to advise them on the rules of statutory construction.

9) Voucher holders and search engines

The Director began by noting the Commission's historic practice of trying to ensure that search engines do not return individuals' contributions to Seattle candidates when those individuals names are searched.

Commissioner Angeles said she saw nothing in I-122 that called for disturbing the Commission's current approach. Commissioner Carter agreed that the current policy was reasonable. There was consensus that the current policy should be maintained and extended to new data sets produced as a result of the democracy voucher program.

10) I-122 status report

Rene LeBeau updated the Commission on the software that the Commission had procured to implement the voucher program, and then walked the Commission through the voucher mailing. She then told the Commission that Neighborhood Service Centers had agreed to be drop-off facilities for vouchers. She then told the Commission about the outreach and media efforts to date, as well as public service announcements produced in connection with the Seattle Channel.

Commissioner Carter asked whether staff was ready for phone calls. Ms. LeBeau said the staff was prepared.

11) Executive Director's report

The Director told the Commission about the Statement of Legislative Intent addressing inclusive outreach that was included in the 2017 budget. He also mentioned that he was leaving on Saturday for the COGEL conference. He closed by saying he would send out an email querying Commissioners on a new date for the January meeting since the regularly scheduled meeting falls right after the New Year holiday.

The Regular Commission meeting for December 7, 2016 adjourned at 5:50 p.m.

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