

DATE: December 22, 2016  
TO: Seattle Ethics and Elections Commission  
FROM: Marcellus Turner, City Librarian, The Seattle Public Library  
SUBJECT: Washington State Debate Coalition and The Seattle Public Library

### Summary

The Seattle Public Library seeks the guidance of the Seattle Ethics and Elections Commission regarding the Library's proposed participation in the Washington State Debate Coalition and the requirements of the Seattle Election Code, SMC Chapter 2.04.

### Background

The Washington State Debate Coalition was established in 2016 by the Seattle CityClub to facilitate the coordination of hosting free, publicly accessible debates where the public can hear directly from candidates and ask questions. Opportunities for the public to see, hear and challenge candidates on issues in nonpartisan forums are becoming increasingly scarce. The Library was invited to be a member of the coalition because of its mission to promote democratic discourse and its broad reach to all members of the community. The Library also offers 27 locations in neighborhoods across the city.

Other Coalition members include civic leaders such as Norm Dicks, Slade Gordon and Christine Gregoire, nonpartisan organizations such as Seattle CityClub, Henry M. Jackson Foundation, and media partners such as KOMO TV and KUOW. In addition, the Coalition includes public entities such as colleges and universities, including Bellevue College, Seattle University and the University of Washington. For additional background regarding the Coalition, please refer to the following website: <https://www.seattlecityclub.org/wastatedebatecoalition>.

This was the Coalition's inaugural year. The Coalition hosted debates across the state for governor and U.S. Senator. We do not know what specific activities are planned for 2017 at this time.

In general, as a Coalition member, the Library would likely promote Coalition debates as well as potentially co-host Coalition debates in its meeting rooms without charge. The Library would be listed as a Coalition member in Library materials, on the Library's website and in Coalition materials. At this time, we have not been asked to host any debates.

It is likely that some debates hosted by the Coalition will not include all declared candidates in a particular race. Including only the leading and viable candidates in a political debate is a common practice. In one case, the United States Supreme Court held that a public television station's exclusion of candidates with little public support from a debate did not violate the First Amendment. *Arkansas Educ. Television Comm'n v. Forbes*, 523 U.S. 666, 118 S. Ct. 1633 (1998). In so doing, the Court recognized the importance of political debates as part of the electoral process. The Court also expressed concern that requiring all candidates in all debates would have a chilling effect on a public entity's willingness to host debates at all.

Of course, the Library intends to comply with the recent settlement agreement related to the sponsorship of debates that the Commission approved at its November 2, 2016 meeting. In addition, the Library understands the concerns regarding the Elections Code and the Library's active co-sponsorship of debates in Library facilities. However, in light of that settlement agreement, the Library has questions about its potential involvement with the Coalition.

Question 1: Is the Library's mere participation as a Coalition member a violation of the Elections Code? For example, as a Coalition member, the Library's logo would appear on the Coalition website and other Coalition publications.

For the following questions, please assume the Library is a Coalition member.

Question 2: The Library has a regular role as a source of information related to a wide variety of community events that may be of interest to Seattle residents. For example, in the past year, the Library utilized social media to promote a forum for Washington legislators to discuss paid parental leave, a discussion of wealth inequality in Seattle involving a Seattle journalist and a Seattle activist, an Education Luncheon where Marcellus Turner spoke about the importance of literacy, and a Seattle job fair targeting 16-24 year olds in addition to several other literacy and artistic events. May the Library promote debates hosted by other Coalition members where all candidates are not invited?

Question 3: May the Library host (without charge) and promote a political debate arranged by the Coalition if all candidates are not invited?

Question 4: May the Library provide Library space for the regularly charged fee and host a political debate arranged by the Coalition where all candidates are not invited, if the Library's involvement is no more than that provided to the typical renter of the same Library facility?

## Conclusion

We know that a healthy democracy and a strong community depend on active, informed and interested citizens. The Library has a strong commitment to civic engagement by actively developing and hosting programs and conversations that contribute to the community's civic health. That is why the Library has a strong interest in being a visible and active partner with the Coalition.

Thank you for your role providing information and guidance on compliance with the Seattle Election Code.

We look forward to your opinion and guidance in this matter.

Sincerely,

Marcellus Turner, City Librarian  
The Seattle Public Library