

**Seattle Ethics and Elections Commission Special Meeting
November 4, 2017**

A special meeting of the Seattle Ethics and Elections Commission convened on November 4, 2017 in the conference room in Suite 4010 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Eileen Norton called the meeting to order by telephone at 1:32 p.m. Vice-Chair Brendan Donckers and Commissioners Charlene Angeles, Bruce Carter, Vickie Rawlins and Hardeep Singh Rekhi were all present by telephone. Executive Director Wayne Barnett and staff members Rene LeBeau and Polly Grow were present.

1. Petition for Release of Democracy Voucher Proceeds – Holmes for Seattle

The Director gave an overview of the issues before the Commission, gathering on information he had gleaned from talking to people over the preceding 48 hours.

The Vice-Chair disclosed that he was attending the Seahawks game on Sunday with a colleague of Erin Schultz, a consultant to the Holmes campaign, and that he knew David Perez, an attorney for the Holmes campaign, from prior board service. He also disclosed playing softball with Mr. Lindsay's wife in the past.

Commissioner Angeles said she was not questioning the constitutionality of releasing funds to the Holmes campaign, and that she thought doing so was distinguishable from the Arizona case. She also said that she was less concerned about the Holmes campaign "banking" vouchers after learning from the Director that the vouchers were coming into the office for Mr. Holmes, primarily by mail. She closed by saying that she had spoken with Alan Durning and Rory O'Sullivan, two drafters of the initiative, and that they did not intend the first and second sections of the release section to be read differently.

Commissioner Carter said it was his understanding from the cases that outside spending could not precipitate the spending of additional public monies, because the release of public

dollars could deter the private speaker from speaking. The Chair said her reading of the cases was that the problem in those cases was that the private speech opened up the opportunity for the publicly funded candidate to receive dollars over and above those available to the candidate at the start. Under the City program, a candidate cannot exceed the cap on vouchers redeemed, no matter how much is spent to defeat that candidate.

The Vice Chair said he took a narrower view, and that he viewed the outcome as dictated by the plain meaning of the ordinance. He said he thought the section required the Commission to release the voucher proceeds. He said the release is defined in the first sentence and referenced in the second sentence. He thought the constitutional issues were not for the Commission to resolve.

David Perez with the Holmes campaign made his case for the release of the voucher proceeds.

The Chair asked Scott Lindsay for his views, and Mr. Lindsay said at the Thursday meeting, Ms. Schultz from the Holmes campaign admitted that the campaign deliberately banked democracy vouchers with the expectation that an independent expenditure would materialize, freeing up the vouchers for redemption. He argued that releasing the vouchers would violate his free speech rights.

Commissioner Rawlins asked Mr. Lindsay what the implications were for individuals who had assigned their vouchers to Mr. Holmes, and Mr. Lindsay said the burden for that rested on Mr. Holmes, who continued to collect private dollars to reach his spending cap.

The Chair asked for additional comments from commissioners. None were forthcoming so she asked whether anyone had a motion they wanted to make. Commissioner Angeles made a motion to direct the staff to have the Finance and Administrative Services Department redeem

the vouchers in the Commission's offices assigned to the Holmes campaign. Commissioner Rawlins seconded. The vote was five in favor, none opposed, with Commissioner Carter abstaining.

The Special Commission meeting for November 4, 2017 adjourned at 2:07 p.m.

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