



1 and programming for children" should be deleted for the following  
2 reasons:

3 (a) The words "to renew and enhance community investments" are  
4 subjective and exhortative rather than being neutral and factual. The  
5 levy more accurately should be described as spending funds on our  
6 libraries. To describe this spending as "investments" inappropriately  
7 injects a value judgment which is the province of the pro campaign and  
8 the voters, not the City Attorney or the Ethics and Elections  
9 Commission.

10 *Black's Law Dictionary On-line* defines investment as when  
11 "capital is committed to make an income from it." Use of the word  
12 "investment" in the Voters Pamphlet to describe proposed library levy  
13 spending will not just be inaccurate, but will be using City resources  
14 to obtain "yes" votes by associating the levy with the tropes of  
15 business finance.

16 It is certainly true that the City Council and Mayor used the  
17 words "invest" or "investment" seven times in Ord. 125809's "whereas"  
18 clauses alone, but that is just a reminder of the kind of exhortations  
19 that the City Attorney is obligated to avoid in the explanatory  
20 statement but has not done so.

21 (b) The word "community" is also out of place in describing the  
22 overall levy impact, introducing into this "explanatory" statement  
23 another subjective and exhortative term, and with usage that can be  
24 found nowhere in Ord. 125809, which only uses the term "community"  
25 regarding very specific Library outreach programs.

1 (c) The phrase "to renew and enhance community investments" has  
2 the overall impact of distracting from the actual taxing and spending  
3 decision that the levy poses to voters. The stark fact that this levy  
4 continues and nearly doubles an existing lid-lift property tax is  
5 hidden by language about "renew and enhance." The latter terms have  
6 mostly nurturant meanings that, given the failure of this sentence to  
7 mention taxing or spending, will tend to hide from voters the actual  
8 financial choice they are posed. It is the very opposite of the  
9 standard to be "clear and concise" that is required of the City  
10 Attorney.

11 (d) The reference to "operating hours, material, technology,  
12 building maintenance, and programming for children" should be deleted  
13 for two reasons: First, that it is redundant with the more detailed  
14 explanation of these same items that is presented in the next  
15 paragraph; and Second, that there is not space to provide the correct  
16 context that is (in our revised substitute) provided in the next  
17 paragraph, namely that actual spending in these categories is not  
18 automatic, but rather depends on key budget and spending decisions by  
19 the Library Board and the City Council (for more about this issue, see  
20 below).

21 **2.** The words "It would replace and enlarge upon the previous  
22 seven-year levy that raised \$123,000,000 between 2013 and 2019" should  
23 be added for the following reasons:  
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1 (a) "Replace" and "enlarge" in our proposed substitute are more  
2 accurate and less subjective than the City Attorney's words "renew"  
3 and "enhance," and ours are given more specific meaning by referring  
4 precisely to how the 2019 levy would relate to the 2012 levy. The  
5 City Attorney does not even mention the 2012 levy in this paragraph,  
6 denying the voter a clear and concise portrayal of "the law as it  
7 presently exists and the effect of the measure if approved" - the  
8 exact SMC 2.14.040.A requirement for how an explanatory statement must  
9 be worded.

10 (b) In our proposed substitute language, we have faithfully  
11 followed this SMC requirement by bringing mention of the previous  
12 seven-year levy having raised \$123,000,000 to become the sentence  
13 directly after the explanatory statement's first sentence which  
14 mentions that the proposed new levy would raise \$219,100,000. In  
15 contrast, the City Attorney has "buried the lead" by leaving until the  
16 very last paragraph any mention that the expiring levy was for  
17 \$122,630,099, thus making it difficult for the voter to compare the  
18 two amounts or to even notice that the proposed new levy is almost  
19 twice the amount of the expiring levy.

20 **2. PARAGRAPH TWO**

21 1. The City Attorney does not clearly and concisely describe the  
22 levy by stating "Taxes raised would provide funding in six categories  
23 of Library Services." As the levy ordinance itself makes clear, such  
24 funding is not automatic, but rather is dependent on a number of  
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1 actions that are at the discretion of the City Council and the Library  
2 Board.

3 The revised substitute we have offered provides clarity that it  
4 is the annual budget process that would determine how the levy  
5 proceeds would be spent. In order to provide the accurate explanation  
6 that the City Attorney has not, our proposed substitute exactly quotes  
7 the levy ordinance as to how the spending will be determined:

8 "Section 3 of Ordinance 125809, the levy ordinance, states:  
9 'Unless otherwise directed by ordinance, Levy Proceeds shall be  
10 deposited in the 2019 Library Levy Fund.' This ordinance's  
11 Section 4 states that 'levy investments will be made in six  
12 categories of Library Services. Program elements, in subsections  
13 4.A through 4.F of this ordinance, are illustrative examples. In  
14 accordance with the annual City budget process, each year the  
15 Library Board shall adopt an annual operations plan and capital  
16 budget.' The illustrative examples given in the ordinance can be  
17 summarized as follows:"

18 Without the background and proviso that our substitute offers,  
19 the City Attorney cannot accurately tell the voters that "Taxes raised  
20 would provide funding in six categories of Library Services."

21 2. The City Attorney is grossly inaccurate in the following  
22 description of the proposed levy's impact: "1. Hours and Access,  
23 which would include: supporting existing operating hours while  
24 increasing hours in all neighborhood branches". Sorry, but that is not  
25 what the levy ordinance says at its section 4A, where instead the

1 wording is: "Hours and Access. Major program elements include:  
2 supporting Library operating hours in neighborhood branches and the  
3 Central Library." The City Attorney's explanatory statement promises  
4 far more from the levy than does the actual levy ordinance.

### 5 **3. SECOND PARAGRAPH FROM THE END**

6 This three-sentence paragraph by the City Attorney attempts to  
7 describe the budget process that will determine the actual levy  
8 spending. Unfortunately, it does not fully capture the degree of  
9 discretion that the levy ordinance gives to the Library Board and the  
10 City Council; and its placement after all of the levy's goodies are  
11 listed comes as an afterthought. This placement is a disservice to  
12 the reader who is entitled to be told clearly and concisely up front  
13 that whatever good might be hoped for depends crucially on the Library  
14 Board and City Council. A more accurate description of the funding  
15 process is in our substitute explanatory statement, and it is better  
16 located in being the second paragraph from the top, just before  
17 mention of the six funding categories. With our version, the reader  
18 will better understand the practical significance for why the funding  
19 categories are listed as "illustrative examples" rather than actual  
20 promises in the levy.

### 21 **CONCLUSION**

22 We ask the Ethics and Elections Commission to rule firmly against  
23 the inaccurate and conclusory explanatory statement that the City  
24 Attorney has submitted. For the integrity of the democratic process,  
25 it is important that an explanatory statement not confuse and

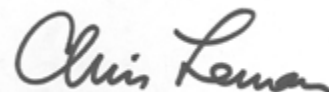
1 manipulate the voters as this one does. We commend to you the revised  
2 substitute that we have submitted and ask that you require its use.

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5 I declare under penalty of perjury of the laws of the State of  
6 Washington that I am a registered voter of the City of Seattle, and  
7 that the information in the above is true and correct.

8 Dated this May 22, 2019

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Chris Leman

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