

Seattle Ethics and Elections Commission Regular Meeting

November 3, 2021

A regular meeting of the Ethics and Elections Commission (SEEC) convened remotely. Commission Chair Richard Shordt called the meeting to order at 4:02 p.m., and Commissioners Kristin Hawes, Zachary Pekelis Jones, Susan Taylor, Judy Tobin and Jeff Winmill were present. Vice Chair Hardeep Singh Rekhi was absent. Interim Executive Director René LeBeau was present and joined by staff members Chrissy Courtney, Cliff Duggan, Randal Fu, Polly Grow, Marc Mayo and Annie Tran, along with Assistant City Attorneys Teresa Chen and Gary Smith. Executive Director Wayne Barnett was absent.

The Chair took a moment to thank the Commission staff for their hard work over the last few months leading up to the November 2 election. The Chair mentioned their appreciation of the assistance provided by Ms. LeBeau and the Assistant City Attorneys during the past few weeks in the Executive Director's absence.

Action Items

1. Minutes for September 1, 2021 regular meeting

The Chair moved to the first order of business, the minutes from the September 1, 2021 meeting. The Chair asked if there were any comments and there were none. Commissioner Pekelis Jones moved to approve the minutes and Commissioner Tobin seconded the motion. The motion was approved unanimously.

2. Minutes for September 17, 2021 special meeting

The Chair mentioned that the minutes for the September 17, 2021, meeting were very short with a few minor changes to reflect that it was a Special Meeting with an Executive Session to address a Human Resources matter. The content of the minutes did not change. The

Chair asked if there were any comments and there were none. The Chair moved to approve the minutes and Commissioner Tobin seconded the motion. The motion was approved unanimously.

3. Confirmation of new staff member

The Chair asked Ms. LeBeau to introduce a new staff member followed by a Commission vote to approve the recommendation for hiring. Ms. LeBeau stated that Cliff Duggan was hired as a temporary worker in February to assist with the Voucher Program and was recently asked by herself and the Director to fill the Administrative Specialist vacancy supporting the Commission staff. The Chair moved to approve the recommendation for hiring, and Commissioner Hawes seconded the motion. The Commission unanimously approved the appointment.

Discussion Items

4. Democracy Voucher Program – current election report

The Chair said that now was a good opportunity, with the 2021 election over for the most part, to inform the Commissioners on how the Democracy Voucher Program operated up to this point and to discuss future topics. The Chair mentioned that the Democracy Voucher Program team's work does not end because the election is over; the team and the Commission look at the data to determine what can be learned from the program's metrics, measures of success, etc., and to note what might happen in the future. The Chair turned the meeting over to Ms. LeBeau.

Ms. LeBeau provided a program update covering the general election candidates, invoices, Democracy Vouchers as of October 27, 2021, participation by age group, Democracy Vouchers returned by month, along with upcoming dates and deadlines. Only one candidate remains who can still receive voucher payouts until: a) the program no longer can submit vouchers, b) the campaign reaches its maximum limit, or c) campaign states it no longer needs vouchers. As of October 27, 180,000 vouchers have been returned which represents

approximately 45,000 people. The participants by age group has maintained its growth with a strong 25-34 Age Group that has surpassed the 65+ Age Group. Staff expect returned vouchers to drop off to nearly zero when most of the public has decided to end its election participation.

The general election results will be certified on November 23. November 30 is the last day a person may assign and submit a Democracy Voucher. December 1 will be the last day for the program office to receive and submit vouchers to be redeemed for this election cycle.

5. Democracy Voucher – introduction to post-election year analysis

Ms. LeBeau explained that requirements are written into the “Honest Elections Seattle” Initiative 122 that the program be reviewed with reports submitted to the public and to the City Council. The office produces a biannual report in addition to an external report which obtains an objective analysis allowing stakeholders the opportunity to provide feedback.

The first biannual report (2017) focused on the launch the program based on the initiative at the time, how a program check was created, and accounting for all the vouchers. In addition, the report covered the establishment of an advisory group, how to conduct outreach, and which types of media should be used with what messages. The report also included establishing and implementing the 2016 budget and included the 2017 budget which included candidate payouts.

The second biannual report (2019) highlighted some of the changes made to the program, including moving the mail date, launching the program’s portal, and summarizing the first year of community-based organization contracting. The report also covered the voucher usage and the increased budget reporting to provide information on the cost to implement and run the program.

The external reports provided evaluations where people could provide their view on the program. Commission staff interviewed three vendors known in the field of analyzing data. BERK Consulting (BERK) was chosen because of its previous, extensive work with the City.

The reports produced useful findings on program successes and on areas that needed improvement. In the 2017 evaluation, BERK spoke to community liaisons and provided in-person surveys done in different languages. It created a good response with a lot of information collected even after just the first year. Data to be analyzed was provided by SEEC, information accessed by BERK itself, and the American Community Survey (ACS) data, the five-year community survey done after completion of the ten-year census. BERK was not able to match specific demographics to specific voucher users. They looked at the voucher users' neighborhoods and drew summaries from that information.

From the 2017 evaluation report it was found that even though the first-year voucher usage was low (compared to the current year), there was still a lot of support from the public, campaigns, and people who were not necessarily using their vouchers.

Candidates and campaigns shared with program staff that navigating the qualification process was challenging and needed refinement. Program staff was able to make improvements to make sure candidates had more opportunities to obtain qualification. The January 1 mail-in date was moved out, online voucher usage via the portal was established, and outreach efforts with existing community organizations was formally funded.

The 2019 evaluation report was unique in that it focused on programmatic questions with the program requesting comprehensive feedback. Questions included moving the mailing date again, reducing the voucher amount, eliminating or raising the spending limits, and whether residents should be able to give vouchers across districts. Based on the 2019 report, candidate trainings and introduction to the program were created, and the funding amount was increase for community organizations to do targeted outreach.

Ms. LeBeau plans to review the two evaluation reports to note the common data that has been analyzed to include for the post-2021 report. The Chair recalled that after the 2019 report came out, the Commission had some robust discussion on how to measure program success. The Chair also stated that the reports are particularly helpful in receiving feedback from the public and the candidates to understand what is helpful and what is important. That learning is then incorporated into any revisions to the program or to contemplate any fundamental programmatic changes that would be presented to the Commission and to recommend to the City Council.

The Chair encouraged the Commission to review all four reports and to consider if there were other questions to ask staff on improving the program. The Chair also noted that other cities look to Seattle's program as they are considering implementing programs of their own. The Democracy Voucher Program is in and of itself important, but the data provided to the public is helpful and meaningful to other communities who might want to emulate the success of Seattle.

The Chair asked if the Commissioners had any questions or comments. Commissioner Pekelis Jones wondered if it would be within the scope of this study to think about what potential limits on how Democracy Vouchers can be spent. Ms. LeBeau responded that information may be found by going to other jurisdictions and talking with them. If the Commission is looking to find out the opinions around controlling expenditures, BERK would be able to facilitate. Commissioner Pekelis Jones stated that he may consider his question some more so it could be crafted in a way that is narrow and helpful. Ms. LeBeau said that there is time to develop questions regarding needed information ahead of any policy changes in the next election cycle. The Chair inquired as to the evaluation report survey kick-off date. Ms. LeBeau said it is usually two or three months after the election has ended.

The Chair mentioned that the Commission can consider making recommendations to tweak the program and stated that if any Commissioner wants to propose a recommendation, it is a good opportunity to have a vendor go out and get information from the public. The Chair continued that it would also be good to think about what other information would benefit the Commission to learn about the program from the public, candidates, and campaigns.

Commissioner Hawes mentioned that the few comments she has received were with respect to some campaigns' ability to collect sizeable quantities of vouchers and then perhaps not necessarily having a viable campaign overall. The Commissioner raised the question if there was any sort of vetting by the program to determine viability for someone who is eligible for vouchers. Commissioner Hawes asked if that issue has come up before, and, if so, how was the issue addressed for talking point purposes.

Ms. LeBeau said general vetting questions have been received regarding the qualifying process, for example a Mayoral candidate is required to have a minimum of 600 signatures and 600 \$10 contributions. Candidates from the first year to this year have had varying degrees of success in completing the process. The question to ask might be is the qualifying process serving its purpose. Commissioner Hawes asked if this is something that needs to be considered moving forward. Ms. LeBeau responded it could be a future study.

Commissioner Tobin expressed interest in the reports from campaign treasurers as they seem to be very detailed. She asked if there were lists of what campaign's expenditures are. Ms. LeBeau said that the lists are available. Commissioner Tobin said that if there is a viable campaign, perhaps treasurers should be vetted as the campaigns have a lot of responsibility for the vouchers. She was curious as to how the program requirements affect their campaigns.

Commissioner Taylor asked Ms. LeBeau if some of these issues were addressed through the program training and with providing a more consistent approach. Ms. LeBeau responded in the affirmative and mentioned the Treasurers' Committee and the importance of Polly Grow's involvement. The staff recognizes this a major responsibility. There have been numerous meetings where great feedback has been provided and improvements have been made. More programs will be created for the campaigns.

Commissioner Winmill asked if campaign reporting requirements currently break down the campaign's spending, and report to the City on how the money is being spent. Ms. Grow answered that there are codes that designate the type of spending; however, the program does not require that information. Commissioner Winmill noted that the tracking would be onerous on both the staff as well as the individual campaigns particularly if they were first-time candidates. He does, however, believe it might be helpful to see how City funds are being spent. Ms. Grow said it would be very interesting especially during the last couple of election cycles as the program provides significant voucher proceeds. Ms. Grow also added that the campaign reporting requirements for treasurers align significantly with State and City law. The difference would be the increase in the number of contributors and the number of expenditures. To help support the campaign treasurers, the program also provides the campaigns with voucher data.

6. December Recall Election

The Chair asked Ms. LeBeau to provide a brief summary on the upcoming District 3 recall election as it pertains to the Democracy Voucher Program. Ms. LeBeau said ballots for the recall election will be mailed to the District 3 voters on November 17, 2021 with a District 3 only election date of December 7, 2021. The election results will be certified on December 17, 2021. If the recall does happen, and Democracy Vouchers are used to help candidates running

for that position, the program will have to move quickly in order to meet the (mostly production-related) deadlines. Ms. LeBeau worked with Assistant City Attorney Chen to check on Commission requirements. Ms. LeBeau pointed out that Democracy Vouchers will not be used in the December 17 recall election.

Ms. Chen reported that there were few results at this point due to the limited guidance from the Seattle Municipal Code (SMC). At SMC 2.04.690, Subsection I, the audit position on Democracy Vouchers calls to provide for the situation:

“If any special election is called, the Commission shall set aside Program Funds for such election in an amount it deems appropriate. The Commission may set, implement, or modify standards, procedures, limits, and deadlines similar to those in this Subchapter VIII as the Commission deems proper and necessary for such special election, taking care to not unduly prejudice accumulation of Program funds.”

The requirement is that the Commission set aside funds for Vouchers for an upcoming special election if the December 17 certification shows that the recall election has created a Council vacancy. Then, the program is looking at November 2022 to have funds for Democracy Vouchers for that election. The rest of it is less clear. The parameters are to follow what is provided so far for the Democracy Voucher Program, but with no detailed guidance in the current SMC regarding how those vouchers are distributed, on what timeline, and in what amount. These are areas where directions would need to be provided to Ms. LeBeau to start on preparation for those Democracy Vouchers.

Regarding vouchers, Ms. Chen said amounts are around \$100 a year. The Commission has the authority to determine what that amount should be for a special election for one seat. Commissioner Hawes remarked for an election for an essentially one-year term, the amount of

the vouchers could be a quarter of what would typically be available in a cycle where people are running for four-year terms. Commissioner Pekelis Jones commented that the amount would relate to the cost of the campaign and not the length of term. Commissioner Hawes asked Ms. LeBeau if there has ever been a special election where Democracy Vouchers have been utilized previously and Ms. LeBeau responded no.

Commissioner Hawes noted that in a general election, everyone in the City can vote regardless of what District they are in. It was Commissioner Hawes's understanding that only people in the councilmember's district would be voting on the recall, and it was her opinion that the vouchers should be limited to the people who are voting, or have an opportunity to vote, in the election. Commissioner Pekelis Jones mentioned that for typical Council elections vouchers can be submitted from any district. It seemed to Commissioner Pekelis Jones that there would need to be a reason not to have the same rule apply for the special election. He also wondered if there could be an option where District 3 residents be sent vouchers in the mail but then for residents of other districts to 'opt in'. The Commissioner believed that option might still give City residents in other districts the opportunity to participate in the electoral process.

Commissioner Hawes raised concern over the funds overall. Commissioner Pekelis Jones thought it would not be an exercise of voting but more an exercise of speech relating to the core purpose of the Program to give all residents of Seattle, including non-voters, the opportunity to participate in the political process through expression of allocation of funds. It seemed to Commissioner Pekelis Jones that would be true whether they reside in that district or not.

The Chair inquired as to when the Commission would make vouchers available to candidates. He also asked about the date when candidates would become eligible legally to participate in the program. Ms. LeBeau said it would be a regular election date and the vouchers

would similarly follow along with a regular municipal election timeline (although no other races would be occurring). Ms. LeBeau expressed her opinion that giving vouchers to all City voters during the District 3-only race might confuse people from other districts believing the vouchers could be used in the upcoming 2023 Citywide races.

If the recall happens, the Chair wondered if it would trigger a provision in the Code that says there will be a November election. Ms. Grow said the election cycle begins on the date of vacancy/certification of the election results. Ms. Chen added if it turns out the Councilmember is recalled; the Council has 20 days to appoint an interim to serve until the November election.

The Chair stated interest in the Executive Director's views upon the Executive Director's return to the office. The Chair said the meeting's conversations were helpful and wondered if Ms. LeBeau would continue discussions with Ms. Chen in order to provide recommendations and draw up any questions for the Commission at the December meeting. Commissioner Pekelis Jones commented that given the tight timetable, it might be incumbent for the Commission to prepare almost as though the recall will occur. Commissioner Taylor thanked Ms. LeBeau for presenting the information.

The Chair asked if there was any other discussion on this issue. Commissioner Hawes asked when the budget for the 2022 election would have to be set in terms of the vouchers Ms. Chen stated that it is not specified in the Code. The only thing that was specified was that this Commission must set aside funding.

The Chair thanked the Commissioners and staff for their time and called the meeting to a close.

The Regular Commission meeting of November 3, 2021, adjourned at 5:11 p.m.