

## Seattle Ethics and Elections Commission Regular Meeting

September 1, 2021

A regular meeting of the Ethics and Elections Commission (SEEC) convened remotely. Vice Chair Hardeep Singh Rekhi called the meeting to order at 4:01 p.m. and Commissioners Zachary Pekelis Jones, Susan Taylor, Judy Tobin, and Jeff Winmill were present. Commission Chair Richard Shordt and Commissioner Kristin Hawes were absent. Executive Director Wayne Barnett was present and was joined by staff members Chrissy Courtney, Randal Fu, Polly Grow, René LeBeau, and Annie Tran, along with Assistant City Attorneys Teresa Chen, and Gary Smith.

### **Action Items**

#### **1. Minutes for July 1, 2021 special meeting**

The Vice Chair noted that the Chair was absent for this meeting and that he would be running the meeting. The Vice Chair then introduced the agenda and began with the first item, the minutes for the July 1 meeting and asked if everyone had a chance to review the minutes and if there were any changes or amendments suggested. There were none and a motion to accept the minutes was made by Commissioner Taylor and seconded by Commissioner Tobin. The minutes were adopted unanimously.

#### **2. Minutes for July 7, 2021 regular meeting**

The Vice Chair then asked the commission if they had also reviewed the July 7 minutes and if there were any changes or amendments needed. The commissioners confirmed the minutes had been reviewed and there were no changes or amendments suggested. A motion to adopt the minutes was made by Commissioner Pekelis Jones and seconded by the Vice Chair. The minutes were adopted unanimously.

## **Discussion Items**

### **3. Late-filing penalty letter: Nikkita 4 the People (\$300)**

The Vice Chair then introduced the next item on the agenda, which was a late filing penalty for the Nikkita Oliver campaign. The Vice Chair said Commissioner Pekelis Jones had indicated he wanted to comment, prior to addressing this item. Commissioner Pekelis Jones thanked the Vice Chair and called the commission's attention to the May 10, 2021 meeting where whistleblower complaint 21-WBI-0304-1 was addressed. Commissioner Pekelis Jones noted that he is recusing himself from any involvement with that case, even though there is no reason to believe that there will be any role for the commission, due to his involvement with the City of Seattle as legal counsel.

The Vice Chair thanked Commissioner Pekelis Jones for that notification and asked the Director to explain the late filing penalty under discussion. The Director stated that there was a late filing where obligations for yard signs were not declared and C3's were not filed weekly, and the three hundred dollar penalty was imposed, based on a two hundred dollar penalty from a previous Heidi Wills campaign that also failed to file obligations. In this case the penalty was increased due to the fact that the weekly reporting was not done so late in the election cycle.

The Vice Chair asked if there was a history of late filings from this campaign. The Director answered that there was another campaign that had a late filing issue with the same treasurer but nothing with this campaign. Commissioner Tobin asked if they were the only campaign that missed a deadline, and the Director noted that they were the only ones who had missed the deadline this late in the election cycle. The Director stated that generally in the early days of filing obligations they work with campaigns to ensure compliance but by late July, the compliance deadlines were expected to be met. Commissioner Pekelis Jones asked whether there

were any other factual details or mitigating circumstances that the Director was aware of, and if the campaign had been afforded the opportunity to attend the meeting. The Director believes that the campaign was notified of the meeting, but could not promise that explicitly, although this regular commission meeting was published on the website. Commissioner Pekelis Jones said he just wanted to make sure they had the opportunity to address it in public if they wished. The Vice Chair asked if there were any other questions and if there was any action needed by the commission. The Director stated that since there was no appeal, and the fine was acknowledged and paid in full, there was no further action needed by the commission. Commissioner Pekelis Jones asked if there was standing for anyone else to file the appeal, beyond the campaign being fined. City Attorney Gary Smith said he believed anyone could appeal, and he would be able to verify that for Commissioner Pekelis Jones.

#### **4. Democracy Voucher Program report**

The Vice Chair moved to the Democracy Voucher Program report, and René LeBeau, the Democracy Voucher Program Manager indicated that she sent her report out on the previous Friday to the commissioners and then shared her screen with the commission to show the report. Ms. LeBeau stated that since the list of all the candidates who were going through to the General Election have stabilized, and they have all completed their qualifying process, they will not be in future reports. Ms. LeBeau continued that the invoicing to date, meaning those funds distributed to campaigns was at \$2,689,925, which was more than was disbursed in the last two election cycles, and it is anticipated that there will be a total payout amount of about three million dollars for the year, with 1.9 million distributed prior to the Primary Election, with a few post-primary disbursements. 750 thousand dollars has been disbursed at this time for the General Election. As of August 29th, 138,366 vouchers have been returned from 36,293 people. Vouchers returned by

type per district was also shown with the return channels of paper vouchers mailed directly to the program making up 51.3%, and vouchers returned through the online portal at 22.7%, and campaign forms turned in from the various campaigns at 26% of the total vouchers returned. Then returns by month were shown, which gave a sense of the processing timeline, where there is a peak in July, and then a lull and then increased volume as the General Election nears and there are plenty of staff to handle the processing needs. The next chart showed participants by age, comparing 2021 and 2019 voucher users by age. Those in the 25-34 age range had the greatest gain in participation in 2021 and there were smaller gains in the 35-44 age range. Commissioner Winmill asked if these age ranges were broken down and compared to the ages of registered voters for the city, curious as to whether this was correlative. Ms. LeBeau said that this would be looked at in the final report, but she was unable to answer that at this specific point. Commissioner Tobin noted that it was nice to see the 65+ participation at a high level as well. Ms. LeBeau noted that the commission previously requested to know the type of campaign forms that were being returned, whether they were from the online forms hosted by campaign websites or whether they were gathered in person, and 79% came from in person gatherers and 21% were coming in via the campaign website as of this point in time. Commissioner Tobin said she was glad to see that since it was the purpose to go out and talk to people and Commissioner Taylor thanked Ms. LeBeau for that extra work to get that data point. Ms. LeBeau then moved to the per campaign break down of how the vouchers were coming in for various campaigns. The Vice Chair asked what this meant and what the campaign form meant in this context, and Ms. LeBeau clarified that was referring to the voucher replacement form, and she was not certain what this meant, but it was interesting to see the variety. The Director asked if there was any other confusion of terms, and the Vice Chair clarified that the campaign forms meant they came

through the campaign, and the paper and online return channels were the original vouchers issued or the online voucher access offered by the program.

Ms. LeBeau then moved to a chart showing the various candidates for Mayor and City Attorney and the break down in the percentage of the types of return channels for vouchers, whether they were receiving paper vouchers mailed directly to the commission, online vouchers through the commission's portal, or voucher replacement forms gathered by campaigns in person or online, noting that there was a lot variance from candidate to candidate. The Vice Chair asked if the category of paper and other was representing the vouchers issued by the program and Ms. LeBeau confirmed that it was, and that it included vouchers used online through the program portal, and Commissioner Taylor confirmed that the campaign forms represented those vouchers that were coming in on replacement forms from the campaigns. Commissioner Pekelis Jones said he could see the question lurking whether campaign forms may have been made too readily available and referenced an article about the Houston campaign receiving more vouchers than votes. Commissioner Pekelis Jones continued that it was not inconceivable that someone would want to donate to a campaign but not actually vote for it, but that it was something like a 3-to-1 difference in vouchers to votes was kind of surprising. Commissioner Pekelis Jones said he was interested at some point talking about whether that somewhat surprising result should prompt any reevaluation of the campaign form procedure for future years and that he would like to return to the topic of the replacement form in future, and Commissioner Taylor said that she had an idea that the whole conversation was about getting the voucher and nothing about voting, which was interesting but only speculation. Commissioner Tobin asked if there would continue to be a replacement form if the virus ever went away. Commissioner Taylor said that she believed the only change due to the virus was that the replacement form was made available online by the

candidate, rather than on paper but asked for the Director to clarify. The Director said that in 2017 when the program first started, the campaign replacement form was developed to help campaigns educate residents on the voucher program and to gather vouchers. It worked very well in 2107, wobbled a little in 2019 and the usage in 2021 was something they were still trying to get their arms around. Commissioner Winmill asked if the replacement form came from the commission and the Director said that it did. Commissioner Taylor said she thought it was very interesting and provocative.

Ms. LeBeau continued stating that the community based organization contracted by the program were due to provide their final reports on the outreach for this election cycle on September 17th and then there will be additional in depth conversations with the community based organizations and the findings will be prepared for the commission for a future meeting. This year the contracts were for 230,500 dollars. Commissioner Pekelis Jones said that he wanted to disclose that he was on the board of the Washington Bus, but he had no contact with the program's contract and had no decision making power through the Bus, and Commissioner Tobin said that she was also a big fan of the Bus. The Vice Chair thanked Ms. LeBeau for her report and moved to the final item on the agenda, the Executive Director's report.

#### **5. Executive Director's report**

The Director stated that there were only two items in his report. The first item was the ever elusive return to work date, which was now pushed to October 18th, and while no one was expected to be back in the office five days a week in mid-October, the exact nature of the scheduling remained to be sorted out. The second item addressed by the Director was the budget, noting that they were on a glide path to remain in the black to the end of the year. The Vice Chair asked if the return to work scheduling was the Director's decision or if it was based on City

policy. The Director said that he was accepting the City guidance but retaining independence.

The Vice Chair thanked everyone for their participation and called the meeting to a close.

**The Regular Commission meeting of September 1, 2021 adjourned at 4:32 p.m.**

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