

Scroggin, Deborah

From: Alan Kessler <ak@alankesslerlaw.com>
Sent: Friday, April 24, 2020 3:33 PM
To: City Elections
Subject: Elections Law Violations (132 unlawful Communications) - https://twitter.com/ted_mayor/
Attachments: Screenshot_2020-04-24 #TeamTed (ted_mayor) Twitter.jpg; 20200424TedMayor.csv

To Whom It May Concern:

This email is intended to serve as my official complaint under Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10 against Friends of Ted Wheeler, the principal campaign committee of his campaign for Mayor of Portland.

The version of the webpage currently available at https://twitter.com/ted_mayor/ (partial screenshot as of 4/24/2020 attached) contains at least 132 individual Communications subject to PCC 2.10.030, each of which fails to Disclose (Prominently or otherwise) the required funding information. A .csv file containing the substance of all of the publicly-accessible Communications is attached to this email.

The two most recent violations, which occurred on April 23, and April 22, respectively are visible in the attached screenshot.

I respectfully request that the Auditor investigate each of these violation of the timely disclosure provisions of 2.10.030 and take all appropriate enforcement actions in accordance with PCC 2.10.050.

Faithfully yours,
Alan Lloyd Kessler
2725 SE 36th Ave.
Portland, OR 97202
(503) 860 1020

Scroggin, Deborah

From: Alan Kessler <ak@alankesslerlaw.com>
Sent: Friday, April 24, 2020 12:18 PM
To: City Elections
Subject: Elections Law Violation - tedwheeler.com/donate
Attachments: Screenshot_2020-04-24 Contribute Ted Wheeler for Portland Mayor.png

To Whom It May Concern:

This email is intended to serve as my official complaint under Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10 against Friends of Ted Wheeler, the principal campaign committee of his campaign for Mayor of Portland.

The version of the webpage currently available at <https://tedwheeler.com/donate/> (screenshot as of 4/24/2020 attached) is a Communication subject to PCC 2.10.030, however it fails to Disclose (Prominently or otherwise) the required funding information.

Conclusion

I respectfully request that the Auditor investigate this violation of the timely disclosure provisions of 2.10.030 and take all appropriate enforcement actions in accordance with PCC 2.10.050.

Faithfully yours,
Alan Lloyd Kessler
2725 SE 36th Ave.
Portland, OR 97202
(503) 860 1020

Scroggin, Deborah

From: Alan Kessler <ak@alankesslerlaw.com>
Sent: Friday, April 24, 2020 11:50 AM
To: City Elections
Subject: Elections Law Violation - tedwheeler.com

To Whom It May Concern:

This email is intended to serve as my official complaint under Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10 against Friends of Ted Wheeler, the principal campaign committee of his campaign for Mayor of Portland.

The version of the webpage available at <https://tedwheeler.com/> (screenshot as of 4/24/2020 attached) is a Communication subject to PCC 2.10.030, however it fails to Prominently Disclose the required funding information.

Specifically, for a website, text is not Prominently Disclosed unless it is displayed “in type of a **contrasting color** in the **same or larger font size** as used for the majority of text in the message.” (emphasis added)

Contrast

Although “contrasting color” is not specifically defined in the Code, the Web Contrast Accessibility Guidelines (“WCAG”) (<https://www.w3.org/TR/WCAG20/>) are instructive. (see, also <https://webaim.org/articles/contrast/>).

Contrast is a measure of the difference in color between two elements in an image, and relates to readability. The background text at the bottom of the webpage is a lilac color specified by hexadecimal code #94A7C4. The text of the disclaimer is white (#FFFFFF).

Using the tool at <https://monsido.com/tools/contrast-checker> shows that the Communication displays the required text at a contrast ratio of 2.45/1 and further shows that the text fails to meet any of the various accessibility standards including WCAG.

A second tool at <https://wave.webaim.org/report#/www.tedwheeler.com> shows the same result. It specifically flags the required text as having “Very Low Contrast.”

Very Low Con

Very low contrast foreground and background colors.

REFERENCE



Paid for by Friends of



Top five contributors:



Local 48 Electri

Similar Labor Organizations), top three contributors: Electrical Contractors and Other Wiring Installation Contractors; Electrical Contractors and Other Wiring Installation Contractors (Electrical Contractors and Other Wiring Installation Contractors); Metropolitan Association of Realtors (Business Associations); Oregon Realtors PAC (Business Associations); Berkshires (Offices of Real Estate Agents); David Koch (Offices of Real Estate Agents); Peter Stott (Investment Bankers); SEIU Local 49 (Labor Unions and Similar Labor Organizations).

It is also relevant that the text in the footer with the required language has the lowest contrast of any of the text on that page.

Font Size

While there is very little text on the Webpage, all of the content is at larger fonts than the required language.

Conclusion


I respectfully request that the Auditor investigate this violation of the timely disclosure provisions of 2.10.030 and take all appropriate enforcement actions in accordance with PCC 2.10.050.

Faithfully yours,
Alan Lloyd Kessler
2725 SE 36th Ave.
Portland, OR 97202
(503) 860 1020

JOIN

First Name

Last Name



Thank you, Portland!

A Message from Ted

Scroggin, Deborah

From: Alan Kessler <ak@alankesslerlaw.com>
Sent: Friday, April 24, 2020 12:36 PM
To: City Elections
Subject: Elections Law Violation -
<https://www.idealists.org/en/nonprofit/1f167f3808694455abd2db9d0ff604cb-ted-wheeler-for-mayor-portland>
Attachments: Screenshot_2020-04-24 Ted Wheeler for Mayor.png

To Whom It May Concern:

This email is intended to serve as my official complaint under Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10 against Friends of Ted Wheeler, the principal campaign committee of his campaign for Mayor of Portland.

The version of the webpage currently available at <https://www.idealists.org/en/nonprofit/1f167f3808694455abd2db9d0ff604cb-ted-wheeler-for-mayor-portland> (screenshot as of 4/24/2020 attached) is a Communication subject to PCC 2.10.030, however it fails to Disclose (Prominently or otherwise) the required funding information.

Conclusion

I respectfully request that the Auditor investigate this violation of the timely disclosure provisions of 2.10.030 and take all appropriate enforcement actions in accordance with PCC 2.10.050.

Faithfully yours,
Alan Lloyd Kessler
2725 SE 36th Ave.
Portland, OR 97202
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