

## CITY OF PORTLAND

In the Matter of: Violations  
of Campaign Disclaimer  
Requirements of Portland  
Charter Chapter 3, Article  
3, and Portland City Code  
Chapter 2.10

No. \_\_\_\_\_

### **COMPLAINT**

#### **Violations of Portland Campaign Disclaimer Requirements by Friends of Ted Wheeler: Large Postcard**

1. This Complaint is filed by David Delk and Ron Buel, residents of Portland.
2. The Friends of Ted Wheeler has violated the disclaimer requirements of Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10 ("Portland Campaign Disclaimer Requirements") by distributing to voters a large postcard with unlawfully tiny disclaimer text.
3. This Complaint is pursuant to Portland Charter § 3-305 and Portland City Code 2.10.050.
4. Portland Charter § 3-303 provides these Portland Campaign Disclaimer Requirements:

#### **Timely Disclosure of Large Contributions and Expenditures.**

- (a) Each Communication to voters related to a City of Portland Candidate Election shall Prominently Disclose the true original sources of the Contributions and/or Independent Expenditures used to fund the Communication, including:
  - (1) The names of any Political Committees and other Entities that have paid to provide or present it; and
  - (2) For each of the five Dominant Contributors providing the largest amounts of funding to each such Political Committee or Entity in the current Election Cycle:

- a) The name of the Individual or Entity providing the Contribution.
  - b) The types of businesses from which the maker of the Contribution has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code of the North American Industry Classification System (NAICS).
5. Portland Charter § 3-308 provides these definitions:
  - (o) "Prominently Disclose" means that the disclosure shall be readily comprehensible to a person with average reading, vision, and hearing faculties, with:
    - (1) any printed disclosure appearing in a type of contrasting color and in the same or larger font size as used for the majority of text in the printed material;
6. These Portland Campaign Disclaimer Requirements went into effect on September 1, 2019, pursuant to Portland Charter § 3-305(a).
7. Friends of Ted Wheeler has made communications to voters in violation of the Portland Campaign Disclaimer Requirements. Many voters on April 30, 2020, received a large postcard from Friends of Ted Wheeler. Exhibit 1. The disclaimers on that postcard were printed in a tiny font, clearly in violation of the requirement that the "printed disclosure appear[ing] \* \* \* in a type of contrasting color and in the same or larger font size as used for the majority of text in the printed material." The disclaimer is in a font that is smaller than the font used for any of the other text on either side of the large postcard.
8. The penalty for violation of the disclaimer requirements is "imposition of a civil fine which is not less than two nor more than twenty times the amount of the unlawful Contribution or Expenditure or Independent Expenditure at issue." Portland City Charter 3-305(b).

9. The "amount of the unlawful \* \* \* Expenditure \* \* \* at issue" is the amount spent by Friends of Ted Wheeler to create, produce, reproduce, print, and distribute the offending large postcard.
10. Complainants request that the City Auditor:
  - (a) Find that Friends of Ted Wheeler's large postcard is in violation of the Portland Campaign Disclaimer Requirements;
  - (b) Impose the lawfully-required penalty for this violation.
11. Because the violation here is blatant, obvious, and egregious, and shows disregard for the requirements of the Portland City Charter, Complainants request that the maximum available penalty be imposed.
12. Complainants request that all correspondence to them in this matter be addressed to [buel@honest-elections.com](mailto:buel@honest-elections.com) and [delk@honest-elections.com](mailto:delk@honest-elections.com).

Dated: May 1, 2020

Respectfully Submitted,

*/s/ David Delk*

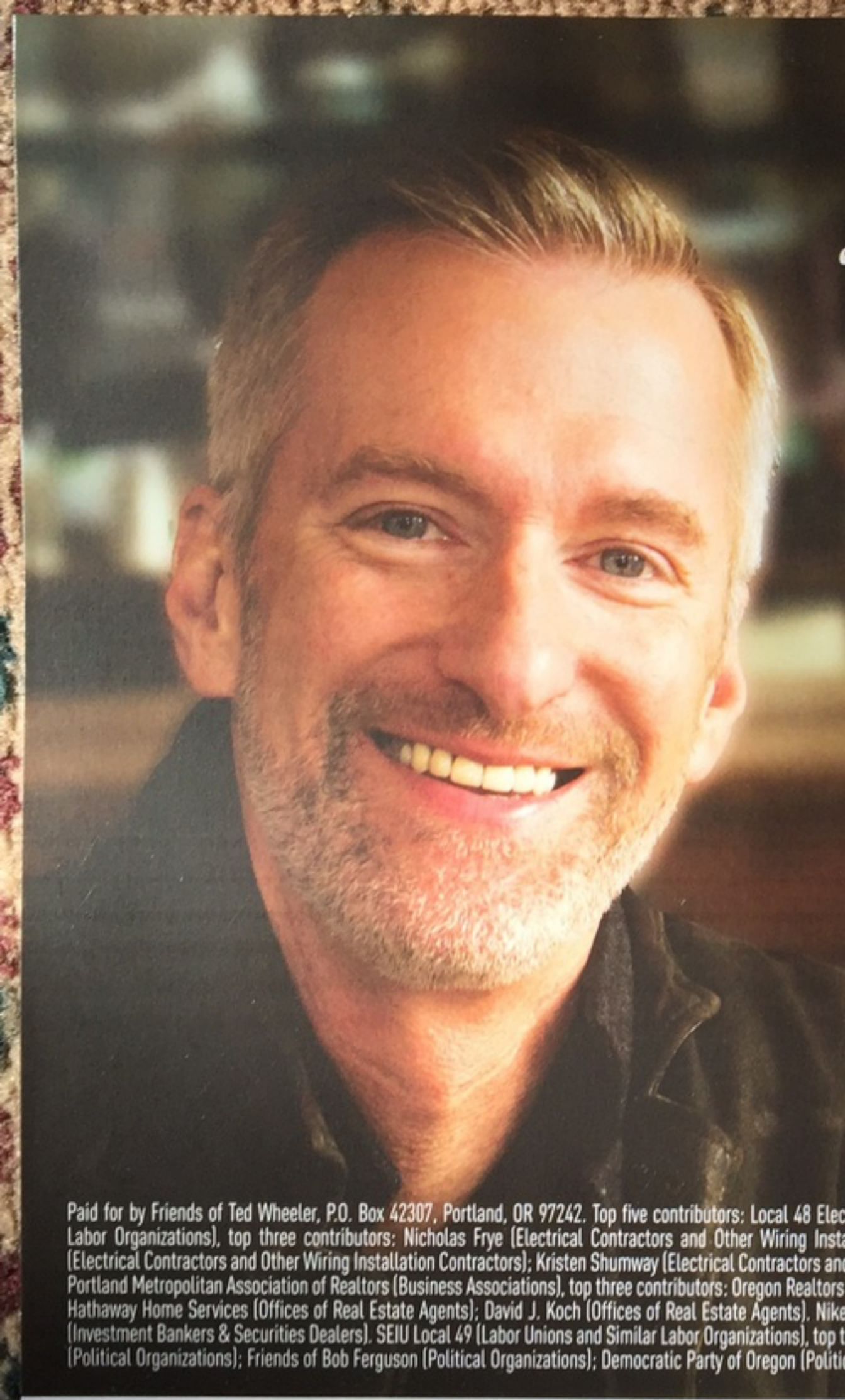
*/s/ Ronald Buel*

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David Delk

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Ronald Buel



**“The Covid-19 crisis has tested our resolve and stretched the resources of our families, businesses, and communities. We are getting through this crisis by doing what Portland does best: responding with solutions rooted in our progressive values and decisive leadership. With your vote I’ll build upon my record of consistent, innovative leadership dedicated to a healthy, inclusive, and welcoming Portland.”**

*— Ted*



PRSRT STD  
US POSTAGE  
PAID  
PORTLAND OR  
PERMIT NO 63



Paid for by Friends of Ted Wheeler, P.O. Box 42307, Portland, OR 97242. Top five contributors: Local 48 Electricians PAC (Labor Unions and Similar Labor Organizations), top three contributors: Nicholas Frye (Electrical Contractors and Other Wiring Installation Contractors); Thomas Mcardle (Electrical Contractors and Other Wiring Installation Contractors); Kristen Shumway (Electrical Contractors and Other Wiring Installation Contractors). Portland Metropolitan Association of Realtors (Business Associations), top three contributors: Oregon Realtors PAC (Business Associations); Berkshire Hathaway Home Services (Offices of Real Estate Agents); David J. Koch (Offices of Real Estate Agents). Nike (Footwear Manufacturing). Peter Stott (Investment Bankers & Securities Dealers). SEIU Local 49 (Labor Unions and Similar Labor Organizations), top three contributors: Friends of Tina Kotek (Political Organizations); Friends of Bob Ferguson (Political Organizations); Democratic Party of Oregon (Political Organizations).

**RETURN YOUR BALLOT BY MAY 19!**



# RE-ELECT MAYOR TED WHEELER



## HOUSING AND HOMELESSNESS

We've more than doubled shelter capacity, helped over 6,000 people get off the streets, and built 800 new units of affordable housing. *We must continue tackling this crisis by connecting housing and shelter with addiction treatment, mental health and other services.*

## CLIMATE CRISIS

We're moving Portland to 100% renewable energy, and working with cities across the US to reduce transportation and building emissions. *We're not waiting for Salem or Washington, DC. Let's keep doing our part.*



## PUBLIC SAFETY

Portland Police Bureau is adopting more capacity, de-escalation training, behavioral health personnel, and improved victim services. *Let's continue building trust to keep all Portlanders safe.*



## EQUITY AND OPPORTUNITY

We're helping companies expand youth employment, helping small and minority owned businesses, and focusing transportation policies on neighborhood connectivity. *Together we can address inequities and make Portland a place for all to thrive.*

## SELECT ENDORSEMENTS:

CITY COMMISSIONERS HARDESTY,  
FRITZ, EUDALY

METRO PRESIDENT LYNN PETERSON  
SPEAKER OF THE HOUSE TINA KOTEK

SENATE MAJORITY LEADER  
GINNY BURDICK

SENATOR LEW FREDERICK

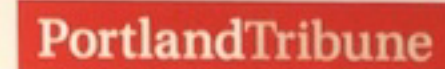
SENATOR MICHAEL DEMBROW

REPRESENTATIVE ROB NOSSE

REPRESENTATIVE JEFF REARDON



Columbia Pacific Building and  
Construction Trades Council



LEARN MORE AND GET INVOLVED AT [TEDWHEELER.COM](http://TEDWHEELER.COM)

