



P O R T L A N D
CITY AUDITOR
Elections

May 18, 2020

Ted Wheeler
Friends of Ted Wheeler
PO Box 42307
Portland, OR 97242

DELIVERED ELECTRONICALLY

Campaign@tedwheeler.com
Amy@tedwheeler.com

**City Campaign Regulations –
Violation and Penalty (2020-11-TW)**

Dear Ted Wheeler and Friends of Ted Wheeler,

Complaint and Determination

On May 4, 2020, the City Elections Office received a complaint by members of the public alleging your campaign violated City Campaign Regulations. Specifically, the complaint claims a lack of prominent disclosure on a campaign mailer sent to residents on April 23, 2020.

After an investigation, I have identified a violation of City Campaign Regulations and am issuing a penalty of \$500 for failure to prominently disclose campaign contributions on a recent mailer.

The required disclosure was in a font clearly smaller than all other font on the communication and difficult to read to a person with average reading abilities. As a result, the disclosure is not prominent and therefore constitutes a violation of City Campaign Regulations. The financial penalty considers the overall budget and resources available to the campaign, the number of previous violations within this elections cycle, and the size of the intended audience of the mailer in question. ¹

I strongly encourage the campaign to familiarize itself with these regulations and make all further required disclosures prominently displayed.

City Campaign Regulations

Portland Charter Chapter 3, Article 3 and City Code Chapter 2.10 (collectively, the “City Campaign Regulations” or “Regulations”) were passed by voters in November 2018 and are administered and enforced by the City Auditor’s Office. The City Campaign Regulations require certain campaign contributors and their respective sources of income to be prominently listed on campaign communications, including mailers to voters. Portland City Code (PCC) 2.10.030 (Timely Disclosure of

¹ See Auditor’s Office Administrative Rule 13.02 Campaign Finance: Complaint Process, Section G. “Auditor’s Office Decision” : <https://www.portlandoregon.gov/auditor/article/760087>



Large Contributions and Expenditures). The Regulations specifically require disclosures for printed communications.

Provisions regarding campaign disclosures were upheld and have been in effect and enforceable for all candidates as of September 1, 2019.²

Candidates qualified to appear on the ballot for the May 19, 2020, Primary Election were given notice of the City Campaign Regulations and guidance at the time of candidacy determination.³

Mailed voter communications requiring disclosure of political committees that paid to provide or present the communication and their top dominant contributors and associated sources of income, are required to be prominently disclosed, as follows:

(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; (PCC 2.10.080.O.1).

Violation of City Campaign Regulations and Penalty

Mailer lacking prominent disclosures:

A mailer for candidate Ted Wheeler containing campaign communications was sent to residents on April 23. The mailer included required disclosures in significantly smaller font than the majority of the text in the printed material. The lack of prominent disclosure constitutes a violation of City Campaign Regulations.

A penalty in the amount of \$500 shall be paid to the City Auditor's Office by June 1, 2020 and can be sent by mail to:

City of Portland Auditor's Office
1221 SW 4th Ave., Rm 130
Portland, OR 97204

Appeals

Appeals for this decision can be made to the Multnomah County Circuit Court within 30 days, as provided by PCC 2.10.050 I.

Sincerely,



Deborah Scroggin
City Elections Officer

² See *In re. Validation Proceeding to Determine the Legality of City of Portland Charter Chapter 3, Article 3 and Portland City Code Chapter 2.10 Regulating Campaign Finance and Disclosure* (Multnomah County Circuit Court Case No. 19CV06544).

³ See email and letter including guidance on the City Campaign Regulations sent by the City Elections Office to candidate Ted Wheeler on November 11, 2019 (Candidacy Determination: Wheeler).