

## CITY OF PORTLAND

In the Matter of: Violations of  
the 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 Sam Adams**

1. This Complaint is filed by Seth Woolley and David Delk, residents and electors of Portland.
2. This Complaint is pursuant to Portland Charter § 3-305 and Portland City Code 2.10.050.
3. Friends of Sam Adams has violated the disclaimer requirements of Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10 ("Portland Campaign Disclaimer Requirements") by failing to include the required disclaimers in a commercially produced and distributed TV advertisement shown on several TV outlets in Portland between approximately May 15, 2020, and the present.
4. The 30-second TV ad includes during the final few seconds a disclaimer that does not meet the requirements of Portland City Charter §3-308(o), in that:
  - (a) The disclaimer text is presented in a font size much smaller than "the majority of text in the message" (§ 3-308(o)(4)).
  - (b) The disclaimer text is not presented in "a contrasting color"; white on light gray is not a contrasting color (§ 3-308(o)(1)).
  - (c) The disclaimer does not remain "readable on the regular screen (not closed captioning) for not less than 4 seconds" (§ 3-308(o)(2)).
  - (d) The disclaimer is not "readily comprehensible to a person with average reading, vision, and hearing faculties" during its very brief appearance on the screen (§ 3-308(o)).

5. The Auditor can readily determine how many persons likely viewed this TV ad Friends of Sam Adams to disclose the data on the calculated audiences for its presentation maintained by TV stations and advertising companies.
6. Each viewing of this TV ad is a separate violation of the disclaimer requirements.
7. 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).
8. The "amount of the unlawful Contribution or Expenditure or Independent Expenditure at issue" is the amount spent by Friends of Sam Adams to create, produce, reproduce, print, and distribute the TV ad.
9. Complainants request that the City Auditor:
  - (a) Find that Friends of Sam Adams is in violation of the Portland Campaign Disclaimer Requirements;
  - (b) Impose the lawfully-required penalty for this violation.
10. Complainants request that all correspondence to them in this matter be addressed to delk@honest-elections.com and seth@honest-elections.com.

Dated: May 18, 2020

Respectfully Submitted,

/s/ David Delk

David Delk

/s/ Seth Woolley

Seth Woolley