



P O R T L A N D
CITY AUDITOR
Elections

September 4, 2020

Ted Wheeler
PO Box 42307
Portland, OR 97242

Friends of Ted Wheeler
3321 SE 20th Avenue
Portland, OR 97202

DELIVERED ELECTRONICALLY
campaign@tedwheeler.com
amy@tedwheeler.com
j.green@c-systems.com

NOTICE OF DETERMINATION
Campaign Regulation Complaint No.: 2020-35-TW
- Violation and Civil Penalty -

Dear Ted Wheeler and Friends of Ted Wheeler,

On August 5, 2020, the City of Portland Auditor's Office received the complaint named above, alleging campaign disclosure violations of [Portland City Charter Section 3-303](#) and corresponding [Portland City Code \(PCC\) Section 2.10.030](#). Specifically, the complaint alleged a lack of prominent disclosure of contributors on the website for campaign, Friends of Ted Wheeler.

After an investigation, I have identified one violation of City campaign finance regulations. The violation results from a failure to prominently disclose required funding information on the Friends of Ted Wheeler campaign website (<https://tedwheeler.com>). Friends of Ted Wheeler is issued a fine in the amount of \$1,000 to be paid by October 5, 2020.

Violation of City Campaign Finance Regulations

Website did not prominently disclose campaign funding information

Complaint No. 2020-35-TW alleged required funding disclosure information included on the campaign's website was in a font smaller from the majority of the text on the webpage. City campaign finance regulations define "prominently disclose[d]" disclosures as those that are "readily comprehensible to a person with average reading, vision, and hearing faculties, with...any website...in type of a contrasting color in the same or larger font size as used for the majority of text in the message...."¹ As of the date of the complaint, I find the required funding disclosure on the website was in a font size significantly smaller than the majority of the text on the remainder of the webpage. The funding disclosure was therefore not

¹ See [City Charter Section 3-308\(o\)\(4\)](#) and corresponding [City Code Section 2.10.080 O. 4.](#)



prominently disclosed, in violation of [City Charter Section 3-303](#) and corresponding [City Code Section 2.10.030](#).

Penalties

The financial penalty considers the overall budget and resources available to the campaign, exposure of the campaign to the regulations at issue, and the number and timing of previous warnings or violations within the current election cycle.

Of note, the campaign was made aware of disclosure requirements in an earlier complaint:

- Complaint 2020-09-TW: On May 12, 2020, the Auditor’s Office issued a finding of No Violation based on a lack of prominent disclosure as to the campaign’s website font size and contrast.²

Additionally, the Auditor’s Office issued a penalty to Friends of Ted Wheeler for a similar past violation:

- Complaint No. 2020-11-TW: On May 18, 2020, the Auditor’s Office issued a Violation and Civil Penalty of \$500 based on a failure to prominently disclose campaign contributions due to using a font clearly smaller than all other font on a mailer communication within the same election cycle. At the time, the campaign was “strongly encourage[d]...to familiarize itself with [the City campaign finance] regulations and make all further required disclosures prominently displayed.”³

Based on the factors described above, Friends of Ted Wheeler shall pay a civil penalty of \$1,000 to the City Auditor’s Office by October 5, 2020.

NOTE: Late payments for fines may be subject to an increase in fee.

Payment must be postmarked by the due date and may be sent by mail to:

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

Appeals

Pursuant to PCC 2.10.050 I., an appeal may be filed with the Multnomah County Circuit Court within 30 days of the issuance of a decision.

Sincerely,



Louise Hansen
City Elections Officer

² See [Complaint No. 2020-09-TW Determination Letter](#), “Wheeler Complaint No Violation 05122020.”

³ See [Complaint No. 2020-11-TW Determination Letter](#), “Wheeler Violations 5.18.2020 DRAFT.”