

Re: ACTION REQUIRED: Inquiry RE Complaint No 2020-40-LS

Jerome Brooks <jeromeabrooks@gmail.com>

Fri 9/18/2020 8:03 AM

To: City Elections <elections@portlandoregon.gov>

Cc: sloretta407@aol.com <sloretta407@aol.com>; info@voteloretta.com <info@voteloretta.com>; Jef Green <j.green@c-esystems.com>; Scroggin, Deborah <Deborah.Scroggin@portlandoregon.gov>; Hansen, Louise <Louise.Hansen@portlandoregon.gov>

1 attachments (83 KB)

Gmail - Fwd New disclosure requirementinterpretation + how Auditor-enforced contribution limits relate to OAE candidates + timing of next payments.pdf;

Hi Cody (et al.),

Please disregard the prior response as it doesn't paint the complete picture as Loretta was not in charge of the daily management of her own campaign.

In reference to the complaint, initiated by the City Auditor's Office (2020-40-LS), you have erroneously alleged that the Committee to Elect Loretta Smith violated disclosure requirements in her single primary mailer.

Let me do a quick review of the facts:

1. The mailer in question was developed on March 11, 2020. There were no further edits, so the mailer draft you have sent is the final version of the mailer that went out to voters, as there were no additional edits.
2. The mailer was sent to the printer sometime in mid-April 2020. If we had to pick a date the mailer was sent to the printer based on our communications with Morel Ink, it would be, at the very latest, April 21, 2020.
3. While you allege that the campaign did not disclose its five dominant contributors, Portland City Charter 3-308 (f) defines a dominant contributor as "any individual or Entity which contributes more than one thousand dollars (\$1,000) during an Election Cycle to a Candidate Committee or Political Committee." We maintain that at the time the mailer was both developed and printed, the Committee to Elect Loretta Smith did not have any dominant contributors as defined by Portland City Charter 3-308.
4. While the City Auditor's Office adopted the aforementioned rules on April 6, 2020, campaign requested guidance from the Open and Accountable Elections Program would not be received until May 1, 2020 - approximately a week and a half after the mailer in question had already been distributed. It was in this communication that OAE gave campaigns guidance that OAE was required to be listed in campaign communications as a dominant contributor (see attached email).
5. The Committee to Elect Loretta Smith, at the time of development of the mailer in question and the printing and delivery of said mailer, had no additional dominant contributors. Based on the definitions of "contributions" both as listed in Portland City Charter 3-308 (e) and ORS 260.005 (3) and 260.007, the only other additional contributors who could have later been identified as dominant contributors, UFCW Local 555 and IBEW Local 48, did not make their contributions until well after the aforementioned mailer had already been sent out - thusly identifying them as a dominant contributor on this mailer before actually receiving a contribution would have been inaccurate and tantamount to fraud.
6. In reference to the other lingering questions, the Committee to Elect Loretta Smith did produce the aforementioned mailer and it was sent to more than 500 individuals.

If you have any additional questions before concluding your review of a self-initiated complaint, please let me know.

Best,

Jerome

On Wed, Sep 16, 2020 at 4:30 PM City Elections <elections@portlandoregon.gov> wrote:

Hello Loretta Smith and Committee to Elect Loretta Smith,

As soon as possible but no later than the timeline provided in the attached complaint notice, please answer the following questions:

1. Please confirm whether Committee to Elect Loretta Smith produced the attached mailer.
2. If the committee did produce the attached mailer, when was the final version of the mailer printed?
3. If the committee did produce the attached mailer, was it distributed to more than 500 individuals?

Thank you for your attention to this matter.

Sincerely,

**Cody Sibley**

**He/Him/His**

Elections Coordinator

Office of the City Auditor | City of Portland

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