



P O R T L A N D
CITY AUDITOR
Elections

October 9, 2020

Teresa Raiford
1811 NW Couch Street #303
Portland, OR 97209

DELIVERED ELECTRONICALLY

teressaformayorpx@gmail.com
writeinterestsaraiford@gmail.com

Write In Teresa Raiford
writeinterestsaraiford@gmail.com

NOTICE OF DETERMINATION

Campaign Regulation Complaint No.: 2020-42-TR
- Letter of Warning and Education for Violations -

Dear Teresa Raiford and Write In Teresa Raiford,

On September 9, 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) Chapter 2.10.030. The complaint also alleged a violation of Portland City Charter Section 3-302, and corresponding PCC 2.10.20.

Specifically, the complaint alleged candidate Teresa Raiford worked in coordination with the Write in Teresa Raiford campaign and that the campaign failed to include required funding disclosures on communications in addition to failing to register itself in the Oregon Elections System for Tracking and Reporting (ORESTAR) system.

After an investigation, I find the following:

- **Three violations of City campaign finance regulations for Write In Teresa Raiford; and**
- **No violations of City campaign finance regulations for candidate Teresa Raiford.**

I am issuing Write in Teresa Raiford this Letter of Warning and Education. The violations result from a failure of the campaign to register in ORESTAR and a failure to include required funding disclosure information on the write-in campaign's website.

I am issuing this Letter of Warning and Education, pending remedy of the required disclosures as specified on page 3, within **ten (10) business days** or by **October 23, 2020**. Failure to provide this information by October 23, 2020 may result in civil penalties of up to \$3,000 for each violation.

City of Portland
1221 SW 4th Avenue, Room 130, Portland, OR 97204
(503) 823-3546
www.portlandoregon.gov/auditor/elections



1. Background and Relationship of the Parties

Write in Teresa Raiford (aka Write in Teresa Raiford for Mayor, Write-In Teresa Raiford, and Teens 4 Raiford), describes itself as a “BIPoC (Black, Indigenous, People of Color) led grassroots community organized write-in campaign for Teresa Raiford.”¹ The Auditor’s Office finds Write in Teresa Raiford also qualifies as an entity², a political committee³, and a dominant independent spender⁴. Teresa Raiford was a City mayoral candidate in the May 19, 2020 Primary Election and is a current candidate⁵ for the upcoming November 3, 2020 General Election. Her principal campaign committee is People for Teresa for Mayor.

In response to this complaint, Teresa Raiford stated her campaign has no relationship with the write-in campaign, it has closed all its accounts, and there are no officers directly involved in the write-in campaign’s organizing efforts. In its response, the write-in campaign represented that its people are not following orders from any single person and that it is not in communication with candidate Teresa Raiford. The Auditor’s Office reviewed additional communications and interviews involving both parties and finds that the evidence supports Write In Teresa Raiford operates independently from candidate Teresa Raiford. **As such, I find no violation by Teresa Raiford in relation to the allegations in the current complaint.**

The remainder of the analysis focuses on complaint allegations as they pertain to Write in Teresa Raiford.

2. Violation of City ORESTAR Registration Requirements

Write in Teresa Raiford Campaign Failed to Complete Required ORESTAR Registration

Complaint 2020-42-TR alleged that Write in Teresa Raiford failed to register itself in ORESTAR despite receiving contributions and making expenditures in support of candidate Teresa Raiford. City Charter Section 3-302(b) requires an entity to register as a political committee in ORESTAR within three days of exceeding \$750 in aggregate expenditures to support or oppose a candidate. According to its own records, on August 29, 2020, Write in Teresa Raiford made an expenditure of \$134.40, which raised the campaign’s aggregate expenditure total beyond \$750 and triggered the City’s ORESTAR registration requirement. **The Auditor’s Office finds Write In Teresa Raiford remains unregistered in ORESTAR and violated City campaign finance regulations by failing to register in ORESTAR by September 2, 2020.**

¹ Write In Teresa Raiford’s Twitter description can be found [here](#).

² For the definition of “entity,” see Portland City Charter Section 3-308(i). The Auditor’s Office finds that Write In Teresa Raiford is a form of organization which creates an entity that is legally separate from an individual.

³ For the definition of “political committee,” see ORS 260.005(18). The Auditor’s Office finds that Write in Teresa Raiford includes a combination of two or more individuals that have received contributions and made expenditures for the purpose of supporting candidate Teresa Raiford.

⁴ For the definition of “dominant independent spender,” see Portland City Charter Section 3-308(g). The Auditor’s Office finds that Write In Teresa Raiford is an entity that expended more than \$1,000 as of September 3, 2020, in support of candidate Teresa Raiford.

⁵ See ORS 260.005(1)(a) for definition of “candidate.” The Auditor’s Office finds that with the consent of Teresa Raiford, Teresa Raiford’s name is expected to be presented for nomination to the public office of City mayor.

3. Violation of City Finance Disclosure Regulations

Write in Teresa Raiford Campaign Failed to Disclose Required Funding Information on Website

This complaint alleged a lack of disclosure of required funding information on various voter communications by Write in Teresa Raiford. With exception to the write-in campaign's website, the Auditor's Office did not find evidence to support there were any deficiencies in its other campaign communications.

Although Write in Teresa Raiford discloses itself on its own website, website screenshots provided by the Complainant and subsequent reviews of the website support that the website lacks required funding disclosures. According to its own records, Write in Teresa Raiford qualified as a dominant independent spender on September 3, 2020.⁶ As a dominant independent spender, the campaign was required to disclose the types of businesses from which it has obtained a majority of income. Due to additionally qualifying as a political committee, as of September 3, 2020, the campaign was also required to disclose its top three funders. The Auditor's Office finds that currently and at the time of filing of the current complaint, Write in Teresa Raiford's website failed to include the aforementioned additional disclosures. **Therefore, I find two violations of the City's finance disclosure regulations by Write in Teresa Raiford for failing to include required funding disclosures on its website.**

4. FOLLOW UP REQUIRED: Original Sources of Campaign Communication Funding

In order to meet the requirements for prominent disclosure and avoid penalties up to \$3,000 per violation, Write In Teresa Raiford must provide the following information to the Elections Office by 5:00 PM on October 23, 2020:

- As of September 3, 2020, the types of businesses from which Write In Teresa Raiford has obtained a majority of income over the previous five years. See Portland City Charter Section 3-303(a)(2)(b) and corresponding PCC 2.10.030 A. 2. b.
- As of September 3, 2020, the top three funders for the current election cycle. See Portland City Charter Section 3-303(b) and corresponding PCC 2.10.030 B.
- Confirmation to the Elections Office of completion of the following:
 - Registration with Oregon Secretary of State as a political committee, and
 - Updated website disclosures with current information on the campaign's top three funders and the types of businesses in which it has obtained a majority of income over the previous five years.

City Campaign Regulation Background & Education

City Campaign Regulations

Portland Charter Chapter 3, Article 3 and PCC 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 regulations require certain campaign contributors and their respective sources of income be prominently listed on campaign communications to voters.

⁶ See footnote 4.

Provisions regarding campaign disclosures were upheld and have been in effect and enforceable as of September 1, 2019.⁷

City Campaign Regulations require entities to register with ORESTAR as follows:

B. An Entity shall register with the Oregon Secretary of State as a Political Committee under Oregon law within 3 business days of making aggregate Independent Expenditures exceeding \$750 in any Election Cycle to support or oppose one or more Candidates in any City of Portland Candidate Election. PCC 2.10.020 B.

City Campaign Regulations also require disclosures on communications as follows (in relevant part):

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

....

B. If any of the five largest Dominant Contributors or Dominant Independent Spenders is a Political Committee (other than a Small Donor Committee) or nonprofit organization, the prominent disclosure shall include its top three funders during the current Election Cycle.

C. The disclosure shall be current to within ten (10) days of the printing of printed material or within five (5) days of the transmitting of a video or audio communication. PCC 2.10.030. A. 1., B., C.

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

⁷ 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).