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November 16, 2020

Louise.hansen@portlandoregon.gov (via email only)

Louise Hansen, Elections Officer
Office of the City Auditor
City of Portland

Re: City of Portland Campaign Finance Complaint No. 2020-49-WITR

Dear Ms. Hansen:

This office represents Do Write PDX, a political committee established out of a grassroots effort to support Teresa Raiford as a write-in candidate for Mayor. Based on an earlier complaint, the loosely formed group established a political committee, with donations reported on OreStar, and made sure that all communications issued were identified as coming from Do Write PDX.

Your office, on its own, has now issued a new complaint, Complaint No. 2020-49-WITR. In that complaint, you allege that Do Write PDX failed to disclose the organization's "top five dominant contributors" on a text message that included the statement "This is Emily with the Write in Teresa Raiford Campaign." That text was sent in early September (based on the reference to the Next Up Action Fund endorsement, which was made on August 31, 2020). As a review of campaign finance activity on OreStar makes clear, at that time, no single donor had contributed over \$1000, so there was no "dominant contributor" to disclose. That should end the inquiry.

But more fundamentally, the phone text identified in the complaint is not a "communication" subject to the City's disclosure rules. The text was sent by a volunteer, using a peer-to-peer app that empowers volunteers to advocate on behalf of a cause or candidate. A peer-to-peer text is the functional equivalent of volunteers phone banking or going door-to-door saying "write-in Teresa Raiford." As with a live conversation, the volunteer can change the content of the text and actually engage in a text conversation with the recipient. The text, therefore, is not a public communication from the political committee itself but rather one sent from an individual urging support for Teresa Raiford. To be sure, if the campaign purchases software to power this grassroots campaign, that is a reportable campaign expenditure. Here,

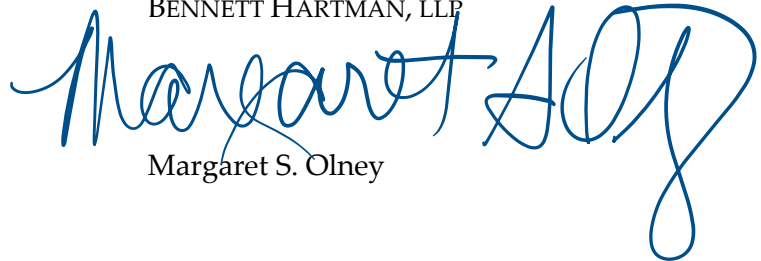
Do Write PDX used Nationbuilder and reported that expenditure on OreStar. But the fact that a campaign facilitates the text does not make the text one coming from the campaign itself. If that were the case, then virtually all campaigns making use of peer-to-peer apps (which is likely every campaign) would be in violation of the Portland City Code. Indeed, I am attaching a copy of a text sent by the Sarah Ionnorone campaign that does not include any disclosure.

Finally, I would note that neither the code nor the “Guidance on Disclosure Requirements in City of Portland Candidate Campaigns” mentions text messages at all and the rules relating to disclosure – for example “contrasting color text” -- are difficult (if not impossible) to comply with in a text format.¹ Again, we believe that makes sense given the overarching purpose of the charter amendment – to cap contributions and to require taglines on political ads disclosing actual funders in order to prevent large contributors – often corporations and wealthy individuals – from hiding behind “nice sounding” entities. See, www.honest-elections.com, and postings and voter pamphlet statements about Measure 260-200 (2018). In fact, an express goal of the citizen initiative was to encourage grassroots efforts that promote equity and encourage civic engagement from the entire community. That is exactly what Do Write PDX tried to do. It is both ironic and discouraging that the efforts of these young activists has been held back, challenged and dampened by the City’s perhaps well-intentioned but flawed application of the code to these forms of direct citizen engagement.

Thank you for your consideration.

Sincerely,

BENNETT HARTMAN, LLP



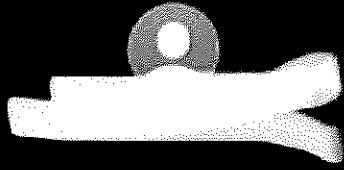
Margaret S. Olney

cc: clients

Attachment

¹ Of course, to the extent the City is interpreting the code in a way that was not contemplated in any of the City’s guidance or rules, that interpretation creates potential constitutional problems.

7:14



Hi Jessica, I'm Haley, volunteer with Sarah Iannarone for Portland Mayor. Sarah is an urban policy expert, working class mom, and small-business founder with the strong values and integrity needed to fix the mess we are in as a city. She has detailed policy plans to clean up our streets and bring safety to our communities. What issues matter most to you?

I will be writing in Teresa Raiford, please take me off your list.

Teresa's work in the community is valuable, and her founding of Don't Shoot PDX is a critical organization that works with the symptoms of police brutality. Write-ins are a meaningful form of protest, and this will be Teresa's 2nd time exercising this tactic, and this race was her 5th time running



7:14



list.

Teressa's work in the community is valuable, and her founding of Don't Shoot PDX is a critical organization that works with the symptoms of police brutality. Write-ins are a meaningful form of protest, and this will be Teressa's 2nd time exercising this tactic, and this race was her 5th time running for office. Since the Mayor's seat will be occupied only by Ted or Sarah, nobody wants Sarah to step down more than the wealthy business interests backing Ted Wheeler. Sarah is the only viable candidate working to hold him accountable and get him out of the way of progress. I'll remove you from our list. Unfortunately, you may still be on someone else's. But, you have definitely been removed from ours. Take care.



Apple Pay

