



P O R T L A N D
CITY AUDITOR
Elections

January 13, 2021

Warren Rosenfeld
2424 SW Arden Road
Portland, OR 97201

DELIVERED ELECTRONICALLY
warren@calbag.com

**NOTICE OF WITHDRAWAL OF DETERMINATION
AND ISSUANCE OF AMENDED DETERMINATION**
Campaign Regulation Complaint No.: 2020-29-WR
- On Reconsideration: No Violation -

Dear Warren Rosenfeld:

On July 29, 2020, the City of Portland Auditor's Office received the complaint named above, alleging campaign contribution violations under [Portland City Charter Section 3-301](#) and corresponding [Portland City Code Section 2.10.010](#). Specifically, the complaint alleged that Friends of Ted Wheeler's receipt of contributions from you exceeded campaign contribution limits and thereby violated City campaign finance regulations.

On August 27, 2020, the Auditor's Office issued a determination finding one violation of City campaign regulations and issued a mandatory civil penalty. By this letter, the Auditor withdraws that determination. **On reconsideration, the Auditor's Office finds no violation.**

No Violation of City Campaign Finance Regulations

Aggregate individual contributions did not exceed contribution limits

Complaint No. 2020-29-WR alleged you made one \$5000 contribution and a second \$500 contribution to Friends of Ted Wheeler in the same election cycle period, thereby violating campaign contribution limits of \$500 for the current election cycle.

City campaign finance regulations limit contributions to a candidate from an individual to \$500 during an election cycle. See [City Charter Section 3-301\(a\)-\(b\)\(1\)](#) and [City Code Section 2.10.010 A.-B. 1](#). On May 4, 2020, the City Auditor's Office began enforcing these provisions,¹ finding violations for aggregate individual contributions exceeding \$500. Candidates qualified to

¹Although passed by voters in 2018, regulations regarding campaign contribution limits were enforced beginning May 4, 2020, following the decision in *Multnomah County v. Mehrwein*, 366 Or. 295 (2020).



appear on the ballot for the May 19, 2020 Primary Election were given notice on April 29, 2020 of the change in law and the new enforcement date.²

For candidate Ted Wheeler, the election cycle relevant to this complaint ran from July 6, 2016³ until July 29, 2020. A review of the Oregon Elections System for Tracking and Reporting (ORESTAR) revealed the following transactions during this timeframe between you and the Friends of Ted Wheeler campaign:

Date	ORESTAR Transaction ID	Amount	Total Contribution Overage	Details
3/11/2020	3415231	\$5,000	\$4,500	Violation Exempt: Received prior to 5/4/2020 enforcement date.
3/19/2020	3415232	\$5,000	\$9,500	Violation Exempt: Received prior to 5/4/2020 enforcement date.
4/14/2020	3440738	-\$500 (refund)	\$9,000	Refund occurred prior to 5/4/2020 enforcement date.
6/17/2020	3497969	\$500	\$9,500	Potential Violation: Contribution was made after the 5/4/2020 enforcement date and was in excess of the aggregate \$500 limit.
7/1/2020	3502973	-\$500 (refund)	\$9,000	Violation Cured: Transaction occurred more than 42 days in advance of the general election, and the refund was issued within 30 days.

As shown by the table above, your \$500 contribution to Friends of Ted Wheeler on June 17, 2020, was not allowed to be received by the campaign because you had already met the \$500 aggregate contribution limit. The campaign refunded this contribution to you 14 days later, on July 1, 2020. That refund was within the 30-day window in which the state requires the campaign to report its contributions in ORESTAR, including refunded contributions. ORS 260.057(2). Because the campaign refunded the contribution within the applicable reporting timeframe, on reconsideration I find that

² See the December 29, 2020 email notification sent from the City Elections Office to candidate Ted Wheeler with email subject line, "City of Portland campaign contributions to be enforced May 4, 2020."

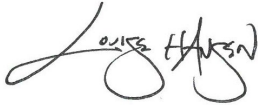
³ July 6, 2016 is the date the last mayoral election results were certified.

the campaign did not receive the contribution for purposes of City Code Section 2.10.010 A. I
therefore find no violation.

Appeals

Pursuant to Code Section 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,

A handwritten signature in black ink that reads "Louise Hansen". The signature is written in a cursive style with a large initial "L" and "H".

Louise Hansen
City Elections Officer