



P O R T L A N D
CITY AUDITOR
Elections

May 12, 2020

Ted Wheeler
PO BOX 42307
Portland, OR 97242

SENT VIA EMAIL

Campaign@tedwheeler.com
Amy@tedwheeler.com

RE: Campaign Regulations Complaints: (2020-07-TW, 2020-08-TW, 2020-09-TW, 2020-10-TW)

Dear Ted Wheeler,

On April 24, 2020, the City Elections Office received four complaints by a member of the public alleging your campaign violated the City's Campaign Regulations. The complaints claim a lack of required prominent funding contribution disclosures on your campaign's website, social media posts, and an independent job board website.

After a careful review, I find no new violations. The complaints are either 1) duplicative of a preexisting, substantiated complaint or 2) not in violation of or subject to existing requirements.

City Campaign Regulations

Portland Charter Chapter 3, Article 3 and City Code 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 City Campaign Regulations require certain campaign contributors and their respective sources of income to be prominently listed on campaign communications to voters, including digital and electronic communications. Portland City Code (PCC) 2.10.030 (Timely Disclosure of Large Contributions and Expenditures).

Duplicative Complaint

Complaint 2020-07-TW alleges that each individual tweet from your campaign's twitter account is a voter communication subject to the Regulations, resulting in over one hundred violations of PCC 2.10.030. However, prominently disclosing campaign contributors on a twitter account's profile or biographical and static "About" section complies with PCC 2.10.030 (see the Auditor's Office Administrative Rule 13.01¹) and I accordingly consolidated the allegations into one. In addition, the complaint is duplicative of a preexisting complaint (2020-04-TW), in which I ruled that your campaign's twitter account did violate PCC 2.10.030. Subsequent to my finding, your campaign added a disclosure in the biographical character-limited static profile section, as required, as well as a link to dominant contributors and their associated income. Consequently, the behavior

¹ See ARA 13.01, Campaign finance: Disclosure requirements: <https://www.portlandoregon.gov/auditor/80709>



identified in complaint 2020-07-TW has been remedied, is in accordance with administrative rules regarding this requirement, and I find no new violation.

Disclosures Not on Website Subsections: No Violation

Complaint 2020-08-TW alleges that each subsection of the campaign website operated by Friends of Ted Wheeler (www.tedwheeler.com) is a voter communication subject to the Regulations and that a website subsection lacks the required disclosures. The Regulations define a voter communication, in relevant part, as “any electronic communication.”² However, neither the Regulations nor any administrative rules or guidance require funding disclosures on each subsection of a website. Further, on or before May 5, 2020, your campaign added prominent funding disclosures on all of the subsections of its website. Therefore, I find no violation has occurred.

Disclosures Not Prominent: No Violation

Complaint 2020-09-TW alleges that the font type and contrast of your campaign website’s funding disclosures was not prominently disclosed. The Regulations define the term prominently disclose to mean “readily comprehensible to a person with average reading, vision, and hearing faculties...with a type of contrasting color in the same or larger font size as used for the majority of the text in the message.”³ I find that, as of the date of the complaint, the funding disclosure was comprehensible to a person with average reading and vision faculties and the funding disclosure used a contrasting color in the same or very similar sized font that appears on the website and its other subsections. Therefore, no violation has occurred.

Communication Not Subject to Regulations: No Violation

Complaint 2020-10-TW alleges that placing a job notice for a campaign intern on an independent website that posts job openings is a voter communication subject to the Regulations. I find that such a website is not a voter communication subject to the Regulations and therefore no violation has occurred.⁴

Appeals

Appeals for this decision can be made to the Multnomah County Circuit Court within 30 days, as provided by PCC 2.10.050 I.

Sincerely,



Deborah Scroggin
City Elections Officer

² See PCC 2.10.080 D. <https://www.portlandoregon.gov/citycode/article/711265>

³ See PCC 2.10.080 O. 4) <https://www.portlandoregon.gov/citycode/article/711265>

⁴ See PCC 2.10.030 A. <https://www.portlandoregon.gov/citycode/article/711260>