

## Response to 2020-32-SI – 2020-34-SI

James Ofsink <james@sarah2020.com>

Tue 8/18/2020 1:59 PM

To: City Elections <elections@portlandoregon.gov>

Cc: Sarah Iannarone <sarah@sarah2020.com>; Gregory McKelvey <greg@sarah2020.com>

2 attachments (77 KB)

2020-32-SI Email Disclosures.pdf; ATT00001.htm;

Dear Ms. Hansen:

Thank you for referring these complaints to our campaign team, we take campaign finance transparency seriously and appreciate the work that you and your colleagues do to make sure it is clear to voters how money is used to purchase influence in our elections.

We have reviewed the materials included in Brier, Washington resident Laurel Allan's complaints 2020-32-SI, 2020-33-SI, and 2020-34-SI and have determined the following:

### 2020-32-SI (Email disclosures)

As an initial matter, contrary to the interpretation received from Open and Accountable Elections ("OAE") on May 1, 2020, we do not believe that any disclosure of funding sources is required for our campaign under the Code and Charter. This is because the Portland City Charter Section 3-303, as enacted in City Code Chapter 2.10.030, requires only disclosures of "Contributions" and "Independent Expenditures." Each is a defined term. Independent Expenditures are inapplicable to our campaign in general, and to the emails referenced in the complaint in particular. "Contributions" is defined in City Code at 20.10.080(E); the term explicitly excludes "funds provided by government systems of public funding of campaigns." As all of our campaign funds have come from either small Contributions of no more than \$250, or matching funds provided by OAE we have no Contributions to disclose pursuant to City Code Chapter 2.10.030(A).

Although it is not required of campaigns without Dominant Contributors, it had always been our intent to mention OAE in our campaign literature; primarily to provide a contrast to the lengthy disclosures of our opponent — we are proud of our participation in OAE. This complaint made us aware that the language had been unintentionally removed from our MailChimp templates. We have restored the language, and will continue to advertise our involvement in OAE in future campaign email campaigns.

In order to discover when the template was edited, we went through all of our previous email campaigns. Attached is a spreadsheet, containing a complete list of email distributions sent as part of the campaign, indicating whether each included the entire or partial tagline information. The information is also available as a google document at this link: <https://docs.google.com/spreadsheets/d/1K6SJf7aTJT1MCL8ErHcXSF8-Udg4u3oSu0ikd2Fe6IE/edit#gid=0>. We estimate the cost to the campaign of each email is typically \$0, and no more than \$10 based on the time to compose and staff labor costs and/or non-compensated volunteer labor.

### 2020-33-SI (Campaign launch video disclosure)

We do not believe this is a violation. The complainant is mistaken about the date this initial campaign video was posted. The complaint states the video was posted on July 9th, 2020, but in actuality it was posted on July 9, 2019. According to City Code 2.10.050 (A) the effective date of the disclosure requirement was September 1, 2019. To err on the side of transparency, we have now updated the YouTube description to disclose that the video was paid for by Friends of Sarah for Portland, Largest contributor: Open and Accountable Elections.

In response to your office's additional questions, we are responsible for the creation of the video which has been seen by thousands of people. It's not possible to aggregate all views across the many platforms the video appeared on. The campaign spent \$2,000 for the creation of this video which was initially posted on July 9, 2019. At that time, we had received no OAE funds, so there were no donors with aggregate Contributions in excess of \$1,000 to disclose in any circumstances.

### 2020-34-SI (George Floyd / Breonna Taylor / Black Lives Matter protest flyer)

As discussed above, our campaign has no Contributions or Independent Expenditures to disclose.

Even if we were subject to a disclosure requirement, this flyer was a one-off and fewer than 500 copies were distributed. Thus, the flyer is not a "Communication" as defined under the City Code 2.10.080(D). Because we did not distribute more than 500 of this or any similar literature in any 10 business-day period (or at all), the disclosure requirements were inapplicable.

Regarding the additional questions posed in your office's August 16, 2020 email: we do confirm that the campaign created the flyer in question. It was printed on June 3, 2020 at a cost of \$225. We distributed approximately 200 pieces in total on June 4th through 5th. Other than our matching funds from OAE — which are not "Contributions" — the campaign had not received (and has not received) more than \$1,000 in donations from any source on June 5th.

Thank you again for your attention to this matter and please let us know if there is any additional information we can provide to assist in your determination.

James Ofsink

Campaign Treasurer, Friends of Sarah for Portland