

Metro Election Law Violations

Oregon Elections Division
Via email: elections.sos@oregon.gov

September 16, 2020

Dear Elections Division,

Metro flagrantly violated Oregon election laws by sponsoring a campaign event and political committee fundraiser that featured endorsements of Metro Council candidates and Metro's own \$7 billion tax measure. This is an official elections complaint to ensure accountability for this misuse of taxpayer resources.

Metro is a public agency whose employees may not promote any political committee, candidate's election, or ballot measure election in their official capacity based on ORS 260.432. It is also illegal for Metro's elected officials or supervisors to direct public employees to promote a political committee, candidate, or ballot measure.¹

By sponsoring a campaign event that both promoted the election of endorsed candidates and solicited money for campaign purposes,² Metro misused taxpayer resources and staff time in a manner that, by definition, violates ORS 260.432 as well as other laws.

The campaign event raised at least \$123,700 while featuring endorsements of two candidates for Metro Council, many candidates for state legislature and other offices, and even Metro's own \$7 billion transportation tax on the ballot this November. Screenshots evidencing this campaign fundraiser are below (highlighting added).



¹ "Elected officials cannot request public employees who are on the job or acting in an official capacity to engage in political advocacy. A request made by an elected official is considered a command." Oregon Secretary of State, *Restrictions on Political Campaigning by Public Employees – ORS 260.432*, page 10. "A supervisor who requests that an advocacy document be created, or oversees the project, may also be in violation of ORS 260.432, even if they are not the author of the document." Page 12.

² The Oregon League of Conservation Voters (OLCV), registered as PAC #2352, sponsored the event. Although OLCV also has a non-profit 501(c)(3) affiliate, that entity is prohibited by federal law from engaging in election advocacy. This event was clearly advertised as supporting candidates for election, so it clearly benefited the PAC and not the 501(c)(3) or any other affiliate based on the definition of political committee in ORS 260.005(18).

All Metro staff, supervisors, or elected officials who authorized, approved, facilitated, coordinated, communicated, managed, directed, financed, requested, or had any other involvement³ regarding Metro's sponsorship of this election event and PAC fundraiser violated ORS 260.432.⁴

The Elections Division should fully investigate to determine which Metro public employees, supervisors, or elected officials are responsible for this violation and hold them accountable.

Sincerely,

Oregon Elector

Screenshots from event sign-up website:

OLCV's Virtual Annual Celebration for the Environment

September 11 @ 6:30 pm - 8:00 pm



Join OLCV's (Virtual) Annual Celebration for the Environment. Hear from Senator Jeff Merkley, Governor Kate Brown, and State Senator and OLCV-endorsed candidate for Oregon Secretary of State Shemia Fagan. Enter a raffle to win one of five \$1000 Vacasa gift certificates and stay at one of their 25,000+ properties in Oregon, the US, and around the world. **All proceeds benefit OLCV's mission:** passing laws that protect Oregon's environmental legacy, **electing pro-environment candidates to office**, and holding our elected officials accountable.

Source: <https://envirocenter.org/event/olcv-virtual-annual-celebration-for-the-environment/>

Select quotes from event video stream:

- OLCV Executive Director: OLCV's goal is "electing leaders and champions to office" (at 30:32)
- Secretary of State Candidate: "I demand that you donate to the Oregon League of Conservation Voters to make sure that we can send back pro-environment, pro-democracy legislators to Salem." (at 44:14)

³ Note that even if Metro's sponsorship did not involve a financial contribution, it was still a violation of election law due to use of public employee staff time to facilitate the sponsorship. Metro allowed use of its name to help solicit money for political campaigns and influence others to do the same.

⁴ Since Metro's official logo was used, any involvement was, by definition, on official business and could not have been on non-work hours.

- OLCV fundraiser: “Your \$2,500 contribution will help OLCV elect pro-environment candidates this November.” (at 45:43)

Source: <https://www.avstream.me/olcv>

Screenshots from event video stream:

METRO AND COUNTY ENDORSEMENTS

Nancy Wyse, Benton County Commissioner, Seat 3
Ken Humberston, Clackamas County Commissioner, District 4
Phil Chang, Deschutes County Commissioner, Position 2
Arthur Babitz, Hood River County Commissioner, Position 2
Joel Iboa, Lane County Commissioner, District 3
Claire Hall, Lincoln County Commissioner
Ashley Carson-Cottingham, Marion County Commissioner, Seat 3
Gerritt Rosenthal, Metro Council, District 3
Chris Smith, Metro Council, District 5
Nafisa Fai, Washington County Commissioner, Seat 1

LOCAL BALLOT MEASURES

Metro Area Transportation Measure – Let's Get Moving: Yes on Resolution No. 20-5123
City of Portland Levy – Portlanders for Parks: Yes on Resolution No. 26-213

00:33

SEAL OF
Oregon League of Conservation Voters
OLCV
APPROVAL

Full list of endorsements
online at olcv.org

OTHER SPONSORS

Metro  

 

FUNDS RAISED
\$ 1 2 3,700

1:00:50

Source: <https://www.avstream.me/olcv>

Screenshots from Facebook event page:



SEP 11 OLCV's Annual Celebration for the Environment
Public · Hosted by [Oregon League of Conservation Voters](#)

Friday, September 11, 2020 at 6:30 PM – 8:00 PM PDT
3 days ago

Virtual [Show Map](#)

Details

Join us from home for OLCV's Virtual Annual Celebration for the Environment! Hear from elected officials and OLCV-endorsed candidates running for office, and bid on exciting raffle and auction items! All proceeds benefit our mission to pass laws that protect Oregon's environmental legacy, elect pro-environment candidates to office, and hold our elected officials accountable.

Featured speakers: Senator Jeff Merkley, Governor Kate Brown, and State Senator Shemia Fagan.

Event website: <https://www.avstream.me/olcv>

Other Sponsors:

The Kate Brown Committee

Metro

Oregon Environmental Council

Wild Salmon Center

For questions, or if you are interested in sponsorship opportunities, contact OLCV Development Director April Christenson, april@olcv.org.

Source: <https://www.facebook.com/events/virtual/olcv's-annual-celebration-for-the-environment/173121917431157/>

Screenshots from OLCV website:



OLCV's
ANNUAL CELEBRATION FOR
THE ENVIRONMENT

Join us for OLCV's Annual Celebration on Friday, September 11th, 2020

Due to COVID-19, this year's Annual Celebration for the Environment will be held virtually. Grab your favorite Oregon wine or beer (we're partial to OLCV friend and sponsor Worthy Brewing) and join us for this fun and inspiring evening. We'll hear from elected officials and **candidates running for office**. And you will have the chance to win exciting raffle and auction prizes! All proceeds benefit our mission: passing laws that protect Oregon's environmental legacy, **electing pro-environment candidates to office**, and holding our elected officials accountable.

The event will be livestreamed at: avstream.me/olcv

OTHER SPONSORS



Source: <https://www.olcv.org/events/#annualcelebration>