



P O R T L A N D
CITY AUDITOR
Elections

September 9, 2020

Dan Ryan
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Portland, OR 97212

DELIVERED ELECTRONICALLY
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Dan Ryan for Portland
715 NW Hoyt St #6536
Portland, OR 97228

NOTICE OF DETERMINATION

Campaign Regulations Complaint No. 2020-37-DR
- Letter of Warning and Education for Violation -

Dear Dan Ryan and Dan Ryan for Portland,

On August 12, 2020, the City of Portland Auditor's Office issued the complaint named above, alleging campaign disclosure violations of [Portland City Charter Section 3-303](#) and corresponding [Portland City Code \(PCC\) Section 2.10.030](#). Specifically, the complaint alleged a lack of prominent disclosure of funding information in a series of emails sent out by the campaign, Dan Ryan for Portland.

After an investigation, I have identified one violation of City campaign regulations and I am issuing this Letter of Warning and Education. The violation results from a failure to prominently disclose required campaign contribution information on a series of emails sent to voters from August 6 through August 11, 2020.

In summary, the violation is as follows:

- Violation of Portland City Charter section 3-303(a)(2)(a)-(b); PCC 2.10.030 A. 2. a.-b.:
Disclosure did not include required dominant contributor information and furthermore did not include the types of businesses from which the majority of income was obtained.



Violations of City Campaign Finance Regulations

*Emails lacked required disclosure information on top five dominant contributors, and
Emails lacked required disclosure information for business types contributing to majority of income*

Complaint No. 2020-37-DR alleged candidate Dan Ryan’s campaign, Dan Ryan for Portland (dba Friends of Dan Ryan for Portland), failed to include required funding disclosure information on eight campaign emails sent to voters from August 6 to 11, 2020. The campaign sent each of the emails to over 500 voters and each included a 2020 copyright notice from Friends of Dan Ryan for Portland. No additional funder information was provided on the emails.

As confirmed by the campaign and the Oregon Elections System for Tracking and Reporting (ORESTAR), the Auditor’s Office identified two disclosable dominant contributors not included on the emails, along with the absence of corresponding funder information. The result of these omissions is a lack of timely, prominent disclosure of funding information on the emails.

Accordingly, I find one violation of the City’s campaign finance regulations.

Original Sources of Campaign Communication Funding

ORESTAR records reflect that as of August 6, 2020, the disclosable dominant contributors and funder information for Dan Ryan for Portland were as follows:

- Dominant Contributor #1: City of Portland Open and Accountable Elections
- Dominant Contributor #2: Lyon Films

On September 8, 2020, the campaign confirmed that Lyon Films received the majority of its income over the last five years from the following types of businesses:

- Advertising Agencies
- Sports Teams and Clubs
- Television Broadcasting

City Campaign Regulation Background & Education

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 regulations require certain campaign contributors and their respective sources of income be prominently listed on campaign communications, including mailers to voters. PCC 2.10.030. The regulations also specifically require disclosures for printed communications.

Provisions regarding campaign disclosures were upheld and have been in effect and enforceable for all candidates as of September 1, 2019.¹

¹ See *In re. Validation Proceeding to Determine the Legality of City of Portland Charter Chapter 3, Article 3 and Portland City Code Chapter 2.10 Regulating Campaign Finance and Disclosure* (Multnomah County Circuit Court Case No. 19CV06544).

Candidates qualified to appear on the ballot for the May 19, 2020, Primary Election were given notice of the City Campaign Regulations and guidance at the time of candidacy determination.²

City Campaign Regulations require disclosures on communications as follows (in relevant part):

- A. Each Communication to voters related to a City of Portland Candidate Election shall Prominently Disclose the true original sources of the Contributions and/or Independent Expenditures used to fund the Communication, including:
 - 1. The names of any Political Committees and other Entities that have paid to provide or present it; and
 - 2. For each of the five Dominant Contributors providing the largest amounts of funding to each such Political Committee or Entity in the current Election Cycle:
 - a. The name of the Individual or Entity providing the Contribution.
 - b. The types of businesses from which the maker of the Contribution has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code of the North American Industry Classification System (NAICS).
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- B. If any of the five largest Dominant Contributors or Dominant Independent Spenders is a Political Committee (other than a Small Donor Committee) or nonprofit organization, the prominent disclosure shall include its top three funders during the current Election Cycle.
- C. The disclosure shall be current to within ten (10) days of the printing of printed material or within five (5) days of the transmitting of a video or audio communication. PCC 2.10.030. A. 1.–2., B.

City Campaign Regulations define “communications” needing disclosures and “dominant contributors” that must be disclosed, as follows:

- D. “Communication” means any written, printed, digital, electronic or broadcast communications[.] PCC 2.10.080 D.
- F. “Dominant Contributor” means any Individual or Entity which contributes more than \$1,000 during an Election Cycle to a Candidate Committee or Political Committee. PCC 2.10.080 F.

Appeals

Pursuant to PCC 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,



Louise Hansen
City Elections Officer

² See email and letter including guidance on the City Campaign Regulations sent by the City Elections Office to candidate Dan Ryan on February 13, 2020 (Candidacy Determination: Ryan).