



P O R T L A N D
CITY AUDITOR
Elections

May 18, 2020

Keith Wilson
4404 NE 32nd Ave.
Portland OR 97211

DELIVERED ELECTRONICALLY

keith@keithforportland.com
campaign@keithforportland.com

Keith for Portland
7623 SE 17th Ave.
Portland, OR 97202

**City Campaign Regulations – Violations
Warning and Education Letter (2020-06-KW)**

Keith Wilson & Keith for Portland,

Complaint and Determination

On April 17, 2020, the City Elections Office received a complaint by members of the public alleging your campaign violated the City's campaign regulations. Specifically, the complaint claims a lack of full contribution disclosures on the campaign's website and on two of the campaign's social media accounts.

After an investigation, I have identified three violations of the City's campaign regulations. I am issuing this letter of warning and education, pending immediate compliance with the required contribution disclosures discussed on page 3. Failure to fully comply by 5 pm on May 19, 2020, may result in civil fines of up to \$3,000 per violation.

City Campaign Regulations

Portland's City Code Chapter 2.10 and Charter Chapter 3 Article 3, Campaign Finance in City Elections (collectively, "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. Portland City Code Section (PCC) 2.10.030 Timely Disclosure of Large Contributions and Expenditures). The Regulations specifically require disclosures for digital and electronic communications.

Although it was previously unclear whether the Regulations' limits on contributions and expenditures were constitutional, provisions regarding campaign disclosures 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

The 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).
- (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-C).

The Regulations define “communications” needing disclosures and “dominant contributors” that must be disclosed as follows, in relevant part:

- (D)** “Communication” means any written, printed, digital, electronic or broadcast communications [...]
- (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 D, F).

Violations of the City Campaign Regulations

#1 Website lacking disclosures:

Prior to April 17, 2020, the website operated on behalf of the campaign for Keith Wilson and Keith for Portland (www.keithforportland.com) included insufficient disclosures of the political committee that paid to provide or present it as well as its top funders and associated income. Under City Campaign Regulations, a website that includes campaign communications is required to disclose Dominant Contributors and additional respective income or funding of each Dominant Contributor. As of the time of the complaint (4/17/2020), Oregon’s Elections System for Tracking and Reporting campaign finance transactions (ORESTAR) identifies over 5 Dominant Contributors to Keith Wilson for Portland (Committee ID 20312).

However, the campaign did not identify Dominant Contributors whose contributions support the operations of the website.

² See email and letter including City Code 2.10 guidance sent from Elections Office to candidate Keith Wilson on 1/6/2020, “Candidacy Determination: Wilson”.

The lack of timely, prominent disclosure of the Dominant Contributors largest contributors to the campaign anywhere on the website, as required, violates City Campaign Regulations.

#2-3 Social media accounts lacking disclosures:

The campaign's social media accounts for candidate Keith Wilson on Facebook.com (@keithforportland) and Twitter.com (@KeithforPDX) were both created in December of 2019. The social media accounts regularly post campaign communications.

Under City Campaign Regulations, an electronic communication that includes campaign communications is required to disclose the entity or Political Committee paying to provide or present it and its largest Dominant Contributors and additional respective income disclosures or funders for each Dominant Contributor. As of the date of the complaint (4/17/2020), ORESTAR identifies 5 dominant contributors to Friends of Keith Wilson (Committee ID 20312).

However, no such required disclosures were included on these voter communications.

For each social media account, the lack of prominent disclosure of the Political Entity that paid to provide or present it (Keith for Portland) and its largest Dominant Contributors to the campaign, as required, violates the City Campaign Regulations.

True Sources of Funding

Each communication must properly disclose the political committee paying to provide or present it. For the Committee Keith for Portland, the five contributors providing the largest amounts of funding are listed below. In order to avoid civil fines, the campaign must fully comply with PCC 2.10.030 by identifying the and providing additional information for each of the Dominant Contributors by May 19, 2020.

1. Off the Wall Magnetics LLC
2. Daylight Transport
3. Keith Wilson
4. Delaney Christian
5. Erich Christian

The Auditor's Office will continue to work to gather and make public additional information required for disclosures under PCC 2.10.030.

Appeals

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

Sincerely,



Deborah Scroggin
City Elections Officer