



Portland City Auditor

Chief Deputy



November 4, 2024

Jamie Dunphy

Delivered Electronically

jamie@jamiedunphy.com

jamiedunphy@gmail.com

Notice of Determination

Campaign Finance Complaint No.: 2024-06-JD

Dear Jamie Dunphy and Friends of Jamie Dunphy:

The City Elections Office, a Division within the Auditor's Office, received a complaint on October 4, 2024, alleging Jamie Dunphy and Friends of Jamie Dunphy violated City Charter campaign finance regulations by omitting required disclaimer information for a large campaign banner on public display. (Ex. 1A.) The complaint enclosed a picture of a banner supporting candidate Jamie Dunphy that was hung from the top of a building. (Ex. 1B.) The complaint contended that the banner did not include information on who paid for the banner, even though signs equal to or larger than six square feet carry this requirement under the City's campaign finance law. In zooming in on the picture, however, the disclaimer information was present, though not prominently disclosed.

City Charter and Auditor's Office Administrative Rule (ARA) 13.04 require the inclusion of disclaimer information on signs six square feet or larger that cost \$250 or more to create. (See City Charter Sections 3-303, 3-308(d), (q); ARA 13.04(A)(2)(b).) The disclaimer must also be prominently disclosed. The Auditor's Office enforces these provisions.

After initial review of the complaint, the Auditor's Office opened an investigation, as detailed below. The Auditor's Office determined no disclaimer was required on the banner and therefore issues a finding of **no violation**.

1221 SW Fourth Ave, Room 310
Portland, OR 97204
reed.brodersen@portlandoregon.gov
portland.gov/auditor
503-823-4078

However, if the sign had met the requirements mandating the inclusion of disclaimer information, the disclaimer as included on the banner in this case would have been insufficient, as it was not prominently disclosed. Therefore, the Auditor's Office also takes this opportunity to educate on the requirements for prominent disclosure of a disclaimer when required for a large banner.

Investigation and Findings

The Auditor's Office sent Notice of Complaint No. 2024-06-JD to Jamie Dunphy and Friends of Jamie Dunphy on October 8, 2024. Dunphy provided a response to the complaint and a response to a request for information. (Exs. 2A, 2B, 2C.) The Auditor's Office found the following in the course of its investigation:

1. Jamie Dunphy is a current candidate for the position of City Council for District No. 1 in the November 2024 election.
2. The Auditor's Office reviewed the photograph of the banner provided by the complainant. The banner stated, "Jamie Dunphy for EAST PORTLAND," "Amplifying Portland's Voice," and "LEARN MORE & SUPPORT JamieDunphy.com," along with a QR code. (Ex. 1B.) Upon initial review, inclusion of disclaimer information was not apparent.
3. In an October 8, 2024, response to the complaint and request for information, Dunphy provided the following and the Auditor's Office finds the following:
 - The size of the banner was 2 feet by 8 feet, or 28 square feet. (Ex. 2A, 2B.)
 - The Auditor's Office finds because the banner was determined not to be smaller than six square feet, the communication does not qualify as a "Small Sign" exempt from the City Charter's disclaimer requirements. (See City Charter Sections 3-308(d), (q) (definitions, specifically for "communication" and "small sign").)
 - The banner included a disclaimer that read, "Paid for by Friends of Jamie Dunphy PAC 23135." Dunphy provided a zoomed-in photograph of the language written on the upper right-hand corner of the banner. (Ex. 2C.)

- The Auditor’s Office finds the disclaimer was smaller than 10 percent of the height of the sign.
- Unlike the rest of the sign, the “paid for” by was handwritten. It was also written sideways, on the edge of the sign. And it was not legible to passersby. (See Ex. 1B, the “paid for” by language is on the edge of the upper right-hand corner of the sign and very difficult to make out.
- Friends of Jamie Dunphy paid \$150 for the creation and printing of the banner, as confirmed by an attached invoice. (Exs. 2A, 2B.)
 - The Auditor’s Office finds that the cost of the communication is less than the \$250 threshold triggering City disclaimer requirements. (See ARA 13.04(A)(2)(b).)

Analysis and Determination

The Auditor’s Office enforces Charter Section 3-303, which specifies that “[e]ach Communication to voters related to a City of Portland Candidate Election shall Prominently Disclose the true original sources of the Contributions...used to fund the Communication, including...[t]he names of any Political Committees...that have paid to provide or present” the communication. Pursuant to ARA 13.04(A)(2)(b), only communications costing \$250 or more to create are subject to the City’s disclaimer requirements.

Because Friends of Jamie Dunphy paid \$150 to create the banner, the banner was not required to include a disclaimer. As a result, the Auditor’s Office concludes there was no violation of the requirements for disclaimers under City Charter Section 3-303 by Jamie Dunphy or Friends of Jamie Dunphy.

Further Information on Prominent Disclosure for Large Sign Disclaimers

Although no disclaimer was required in this case, had a disclaimer been required, the handwritten disclaimer on the banner would have been insufficient. Dunphy’s response to the complaint was to say that the banner was marked with “Paid For by Friends of Jamie Dunphy[.]” However, more is required under the City’s campaign finance law and the Auditor’s Office therefore takes this opportunity to include further education on the requirements for disclaimers on political signs other than small signs.

Communications to voters related to a candidate election, that are not otherwise exempted by law, must include disclaimers. Large signs of six square feet or more that promote a candidate, like the one at issue here, are not exempted, and must contain the required disclaimers when the creation cost of the sign is \$250 or more. Any required disclaimers must also be *prominently disclosed*. (Charter Section 3-303(a).)

Prominent disclosure means a disclaimer is readily comprehensible to a person with average reading, vision, and hearing faculties. For signs of six square feet or more in size, it also means that the disclosure font must be at least 10% of the height of the sign (City Charter Section 3-308(o)(5).)

The disclaimer on the Friends of Jamie Dunphy sign was not readily comprehensible to a person with average reading and vision and the size of the disclaimer was not at least 10 percent of the sign's height. It therefore does not meet the "prominently disclose" requirement.

Additional Authority and Appeals

This Notice of Determination is issued pursuant to the Auditor's authority under City Charter Section 3-305. That section sets forth the process for implementation and enforcement of the provisions of City Charter Article 3 (Campaign Finance in Candidate Elections), including the recipient's appeal rights. (See also ARA 13.03(C) (requiring in part that decisions on complaints be in writing, identify whether a violation occurred, and state the basis for the decision).)

As described by City Charter Section 3-305(i) and [ARA 13.03\(D\)\(5\)-\(6\)](#), the complainant and the subject of the complaint may seek judicial review of the decision in Multnomah County Circuit Court. In addition, the Auditor's Office may, on its own discretion or on request of an interested party, withdraw a decision for reconsideration within the earlier of 30 days from issuance of the decision or until the decision is appealed.

As set out in ARA 13.03(D)(6), decisions of the Auditor's Office can be appealed to the Circuit Court within the following timelines:

- For decisions that are not withdrawn for reconsideration, within 60 days from the issuance of a decision; and
- For decisions that are withdrawn for reconsideration, within 60 days from the issuance of the reissued decision.

Sincerely,

A handwritten signature in cursive script that reads "Reed Brodersen". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Reed Brodersen
Chief Deputy Auditor

cc: Complainant