



**Portland
City Auditor**
Chief Deputy



October 28, 2024

Sarah Silkie
Portlanders for Sarah Silkie
Delivered Electronically
contact@sarahsilkie.com
silkie4pdx@gmail.com

Notice of Determination
Letter of Warning and Education
Complaint No. 2024-07-SS

Dear Sarah Silkie and Portlanders for Sarah Silkie:

I. Introduction and Overview

On October 14, 2024, the City Elections Division, a Division within the Auditor's Office, issued a complaint and notice of allegations that City candidate Sarah Silkie and her campaign, Portlanders for Sarah Silkie, had violated City Charter campaign finance regulations (Ex. 1.). The Elections Division issued the complaint after receiving an admission from Silkie that disclaimer information had been omitted from a campaign advertisement circulated in local newspaper, *The Bee*. As Silkie's admission provided the Auditor's Office with reason to believe that a violation of the City's campaign finance regulations may have occurred, the Office was required to issue a complaint under the City's campaign finance regulations.

City Charter and Auditor's Office Administrative Rule (ARA) require the inclusion of disclaimer information on political communications that cost \$250 or more to create (meaning, for example, designing, producing, providing, presenting, hosting, distributing a communication, etc.). (See City Charter Sections 3-303; ARA 13.04(A)(2)(b).) The Auditor's Office enforces these provisions.

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

After issuing the complaint, the Auditor’s Office opened an investigation, as detailed below. The Auditor’s Office determined there is sufficient evidence to support a finding of **two violations** and issues this **Letter of Warning and Education** with no monetary penalty.

II. Investigation and Findings

The Auditor’s Office sent Complaint No. 2024-07-SS and Notice of Complaint to Sarah Silkie and Portlanders for Sarah Silkie on October 14, 2024. Silkie provided responses to the complaint and to requests for information. (Exs. 2-4.) The Auditor’s Office found the following in the course of its investigation:

1. Sarah Silkie is a candidate for City Council for District No. 4 in the November 5, 2024 General Election.
2. Portlanders for Sarah Silkie (ORESTAR ID 23173) is the candidate committee for Sarah Silkie.
3. On October 1, 2024, Silkie emailed the Elections Division to report that she had forgotten to include disclaimer information on a campaign advertisement circulated in the October issue of *The Bee*. (Ex. 5.) *The Bee* is a neighborhood newspaper located in Sellwood which is published on a monthly basis.
4. The October issue of *The Bee* was printed on September 26, 2024. (Ex. 6.)
5. Silkie provided a photograph of the newspaper advertisement. (Ex. 7.) The Auditor’s Office finds the newspaper advertisement qualifies as a “communication” under City Charter Section 3-308(d)¹.
6. The communication read, “It’s a new era, Vote Sarah! For Portland City Council District 4.” It included a quote from State Representative Mark Gamba, background on Silkie, a list of endorsements, and listed the website www.SarahSilkie.com. (Ex. 7.) The Auditor’s Office finds that no disclaimer information was provided on the political communication.

¹ Charter Section 3-308(d) defines the types of “communication” subject to City disclaimer requirements for communications that also relate to a City of Portland candidate election, and includes “any written, printed, digital, electronic or broadcast communications [excluding] communication by means of small items worn or carried by Individuals, bumper stickers, Small Signs, or a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10-day period.”

7. Silkie paid \$1,150.50 for one run of the advertisement. (Exs. 2-4.) The Auditor's Office finds the cost of the communication exceeds the \$250 threshold triggering City disclaimer requirements. (See ARA 13.04(A)(2)(b).)
8. The Auditor's Office reviewed Portlanders for Sarah Silkie's campaign finance activity reported in the Oregon Elections System for Tracking and Reporting (ORESTAR). The Auditor's Office identified that Sarah Silkie loaned her campaign \$2,500 on August 2, 2024. (ORESTAR Transaction ID: 5000748.) The Auditor's Office finds this self-funding loan qualifies as a "contribution."² Because the amount of the contribution exceeds the \$1,008 threshold that defines a dominant contributor, the Auditor's Office finds Sarah Silkie was a dominant contributor at the time of the article's printing. Therefore, the Auditor's Office finds there was one dominant contributor in the current election cycle that was required to be disclosed on the newspaper communication: Sarah Silkie.

III. 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 and "[f]or each of the five dominant contributors providing the largest amounts of funding... [t]he name of the individual or entity providing the contribution."

Pursuant to ARA 13.04(A)(2), the following communications are exempt from the City's disclaimer requirement:

- Communications by unpaid volunteers with customized, personalized, or individualized content in the body of the message that is prepared without the use of templates; and
- Communications that cost less than \$250 to create.

Neither of these exemptions applied to the advertisement in question. To the contrary, the \$1,150.50 paid by Portlanders for Sarah Silkie to produce the communication was well over the \$250 threshold, thereby triggering the City's disclaimer requirements. The required disclaimer should have included who paid to provide or present the communication, which was Portlanders for Sarah Silkie. Additionally, the disclaimer

² "Contribution" is defined in ARA 13 Appendix B(C)(2) to specifically include loans.

should have identified Sarah Silkie as a dominant contributor in accordance with Charter Section 3-303(2)(a). No other disclaimer information was required.

The Auditor's Office therefore concludes the evidence substantiates a finding of two violations of City Charter Section 3-303 by Portlanders for Sarah Silkie due to excluding required disclaimer information on the newspaper advertisement indicating who paid to provide or present the communication and who was a dominant contributor.

IV. Outcome

This is the first violation of the City's disclaimer requirements by Portlanders for Sarah Silkie in the current election cycle. Silkie cooperated with our investigation by self-reporting the violation, providing a response to the complaint, and additional information in response to requests for information. As a result, the Auditor's Office issues this determination as a Letter of Warning and Education rather than a monetary fine.

V. 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 black ink that reads "Reed Brodersen". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Reed Brodersen
Chief Deputy Auditor