

1 [Lowering opposition spending threshold for increase in individual expenditure ceilings.]

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3 **Ordinance amending Section 1.134.5 of the Campaign and Governmental Conduct**
4 **Code to lower opposition spending threshold for increase in individual expenditure**
5 **ceiling.**

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Campaign & Governmental Conduct Code is hereby
11 amended by amending Section 1.134.5, to read as follows:

12 SEC. 1.134.5. LIFTING OF INDIVIDUAL EXPENDITURE CEILINGS.

13 This Section shall apply only if the Ethics Commission has certified that at least one
14 candidate for Mayor or the Board of Supervisors is eligible to receive public funds under this
15 Chapter.

16 (a) The Executive Director shall lift the Individual Expenditure Ceiling of a candidate for
17 Mayor or the Board of Supervisors to an amount equal to the highest level of the Total
18 Supportive Funds of any other candidate seeking election to the same office if such amount is
19 greater than \$1,375,000.~~00~~ for candidates for Mayor or greater than \$140,000.~~00~~ for
20 candidates for the Board of Supervisors, provided that the Executive Director may lift a
21 candidate's Individual Expenditure Ceilings only in increments of \$100,000.~~00~~ for candidates
22 for Mayor and \$10,000.~~00~~ for candidates for the Board of Supervisors.

23 (b) The Executive Director shall lift the Individual Expenditure Ceiling of a candidate for
24 Mayor or the Board of Supervisors by an amount equal to the Total Opposition Spending
25 against that candidate ~~if such amount is greater than \$1,375,000.00 for candidates for Mayor or~~

1 ~~greater than \$140,000.00 for candidates for the Board of Supervisors~~, provided that the Executive
2 Director may lift a candidate's Individual Expenditure Ceiling only in increments of
3 \$100,000.~~00~~ for candidates for Mayor and \$10,000.~~00~~ for candidates for the Board of
4 Supervisors.

5 (c) On the fourth business day after a statement is filed pursuant to Section 1.152(a)(3)
6 and (b)(3) of this Chapter, the Executive Director shall determine whether to lift the Individual
7 Expenditure Ceilings of each candidate for Mayor or the Board of Supervisors pursuant to
8 subsections (a) and (b) of this Section based on the information in the statement unless
9 pursuant to subsection (d) a candidate for Mayor or the Board of Supervisors requests that
10 the Executive Director make a determination regarding which candidate or candidates the
11 communication filed with the statement supports or opposes or whether the Communication is
12 neutral.

13 (d) Any candidate for the Board of Supervisors or Mayor may request that the
14 Executive Director review the original or copy of a communication filed pursuant to Sections
15 1.152(a)(3) or 1.152(b)(3) of this Chapter to make an independent determination regarding
16 which candidate or candidates for Mayor or the Board of Supervisors the communication
17 actually supports or opposes or whether the communication is neutral. Such requests must be
18 filed with the Executive Director within three business days from the date the original or copy
19 of the communication is filed. Factors the Executive Director shall use to determine whether
20 the communication supports or opposes one or more candidates include the following:

- 21 (1) the communication clearly identifies one or more candidates;
22 (2) the timing of the communication coincides with the campaign;
23 (3) the communication targets voters in a particular election;

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1 (4) the communication identifies one or more candidate's position on a public policy
2 issue and urges the reader or viewer to take action, including calling the candidate to support
3 or oppose the candidate's position;

4 (5) the position of one or more candidates on the public policy issue has been raised as
5 distinguishing these candidates from others in the campaign, either in the communication
6 itself or in other public communications;

7 (6) the communication is not part of an ongoing series of substantially similar advocacy
8 communications by the organization on the same issue; and

9 (7) any other factors the Executive Director deems relevant.

10 Within three business days of the date the request for a determination is received, the
11 Executive Director shall make his or her initial determination.

12 Within one business day of the date that the Executive Director makes an initial
13 determination, any candidate for Mayor or the Board of Supervisors may submit to the
14 Executive Director a request that the Ethics Commission review the Executive Director's initial
15 determination. Within one business day of receiving the request, the Executive Director shall
16 notify each Commissioner of the candidate's request.

17 If within one business day of the Executive Director's notice, two or more members of
18 the Commission inform the Executive Director that they would like to review the initial
19 determination, the Executive Director shall schedule a meeting of the Commission on a date
20 that occurs within one week of the Commissioners' requests. If three members of the
21 Commission vote to overrule the Executive Director's initial determination, the Commission
22 shall make a final determination based on the factors set forth above.

23 If no candidate requests review of the Executive Director's initial determination, if a
24 request is made and two or more members of the Commission do not request to review the
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1 initial determination, or within one week of two members of the Commission requesting to
2 review the initial determination, at least three members of the Commission do not vote to
3 overrule the Executive Director's initial determination, the Executive Director's determination
4 shall become final.

5 The Executive Director shall determine whether to lift the Individual Expenditure
6 Ceilings of each candidate for Mayor or the Board of Supervisors pursuant to subsections (a)
7 and (b) of this Section within one business day of a final determination.

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9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: _____
12 ANDREW SHEN
13 Deputy City Attorney

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