

1 [Regulation of Electioneering Communications.]

2

3 **Ordinance amending Chapter One of Article One of the Campaign and Governmental**
4 **Conduct Code by adding section 1.161.5 to create disclosure and filing requirements**
5 **for the sponsors of electioneering communications.**

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 and Governmental Conduct Code is hereby
11 amended by adding Section 1.161.5, to read as follows:

12 **SEC. 1.161.5. DISCLOSURE AND FILING REQUIREMENTS FOR ELECTIONEERING**
13 **COMMUNICATIONS.**

14 **(a) DISCLOSURE STATEMENTS.**

15 (1) Every electioneering communication shall include a disclosure statement identifying the
16 person who paid for the communication. Such disclosure statement shall, at a minimum, contain the
17 following words, "paid for by _____ (insert the name of the person who paid for the
18 communication)."

19 (2) Any disclosure statement required by this section in printed form shall be printed in a type
20 and color so as to be easily legible by the intended public. In no situation shall such disclosure be
21 printed in less than 14 point type or in a color or print that does not contrast with the background so as
22 to be easily legible.

23 (3) Any disclosure statement required by this section in spoken form shall be spoken at the
24 same volume and speed as the rest of the communication so as to be clearly audible and understood by
25 the intended public and otherwise appropriately conveyed for the hearing impaired.

1 (b) REPORTING OBLIGATIONS.

2 (1) Every person who makes payments for electioneering communications in an aggregate
3 amount of \$1,000 during any calendar year shall, within 48 hours of each disclosure date, file an
4 itemized statement with the San Francisco Ethics Commission.

5 (2) Each itemized statement required to be filed under this section shall be filed on a form
6 promulgated by the San Francisco Ethics Commission and shall contain the following information:

7 (A) the full name, street address, city, state and zip code of the person making payments for
8 electioneering communications;

9 (B) the name of any individual sharing or exercising direction and control over the person
10 making payments for electioneering communications;

11 (C) the total amount of payments made by the person for electioneering communications during
12 the calendar year;

13 (D) a detailed description of each payment made by the person for electioneering
14 communications during the calendar year, provided that the person has not already reported such
15 payments made on an itemized statement filed under this section; such detailed description shall
16 include the date the payment was made, the full name and address of any person who received any part
17 of the payment; the amount of the payment that each person received, and a brief description of the
18 consideration for which each payment was made;

19 (E) the total amount of all payments the person has received during the calendar year from
20 other persons for the purpose of making electioneering communications;

21 (F) a detailed accounting of any payments of \$100 or more that the person has received from
22 another person for the purpose of making electioneering communications, provided that the person has
23 not already reported such payments received on an itemized statement filed under this section; such
24 detailed accounting shall include the dollar amount or value of each payment, the date of the payment's
25 receipt, the name street address, city, state, and zip code of the person who made such payment, the

1 occupation and employer of such person who made such payment, if any, or, if the individual is self-
2 employed, the name of the individual's business, and the cumulative amount of payments received for
3 the purpose of making electioneering communications from that person during the calendar year; and

4 (G) any other information required by the Ethics Commission consistent with the purposes of
5 this section.

6 (3) The filer shall verify, under penalty of perjury, the accuracy and completeness of the
7 information provided in the itemized statement, and shall retain for a period of five years all books,
8 papers and documents necessary to substantiate the itemized statements required by this section.

9 (4) The Ethics Commission may require any itemized statement to be filed electronically and
10 may permit any required statement to be filed by facsimile. The Ethics Commission shall promulgate
11 regulations to implement this subsection before any person shall be required to file an itemized
12 statement electronically or permitted to file a statement by facsimile.

13 (5) If any person files an itemized statement after any deadline imposed by this section, the
14 Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter,
15 fine the person \$10 per day after the deadline until the statement is received by the Ethics Commission.
16 The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing
17 was not willful and that enforcement will not further the purposes of this Chapter. The Ethics
18 Commission shall deposit funds collected under this section in the General Fund of the City and County
19 of San Francisco.

20 (c) DEFINITIONS.

21 Whenever in this section the following words or phrases are used, they shall mean:

22 (1) "Disclosure Date" shall mean: (A) the first date during any calendar year when an
23 electioneering communication is distributed after a person has made payments aggregating \$1,000 for
24 electioneering communications; and (B) any other date during that same calendar year when an
25

1 electioneering communication is distributed if such person made any payments for such electioneering
2 communication.

3 (2) "Electioneering Communication" shall mean any communication, including but not limited
4 to any broadcast, cable, satellite, radio or recorded telephone communication, and any mailing, flyer,
5 doorhanger, pamphlet, brochure, card, billboard, facsimile, or printed advertisement, that:

6 (A) refers to a clearly identified candidate for City elective office or a City elective officer who
7 is the subject of a recall election;

8 (B) is distributed within 90 days of an election for the City elective office sought by the
9 candidate or a recall election regarding the City elective officer; and

10 (C) is targeted to the electorate of the candidate for City elective office or the City elective
11 officer who is the subject of a recall election, but

12 (D) shall not include:

13 (i) communications that constitute expenditures or independent expenditures under this

14 Chapter;

15 (ii) communications paid for by the City;

16 (iii) spoken communications between two or more individuals in direct conversation;

17 (iv) communications that appear on bumper stickers, pins, stickers, hat bands, badges, ribbons
18 and other similar memorabilia;

19 (v) news stories, commentaries or editorials distributed through any newspaper, radio station,
20 television station, or other recognized news medium unless such news medium is owned or controlled
21 by any political party, political committee or candidate;

22 (vi) communications made by any labor union, club, group, association, or organization, other
23 than a political party, to its membership, if the communication is not generally distributed or broadcast
24 to electors;

1 (vii) communications that are distributed by a corporation solely to its shareholders or
2 employees;

3 (viii) communications that constitute a candidate debate or forum; and

4 (ix) communications made solely to promote a candidate debate or forum made by or on behalf
5 of the person sponsoring the debate or forum.

6 (4) "Electorate of the candidate for City elective office or the City elective officer who is the
7 subject of a recall election" shall mean 500 or more individuals who are eligible to vote in or eligible
8 to register to vote in an election for the City elective office sought by the candidate or a recall election
9 regarding the City elective officer.

10 (5) "Refers to a clearly identified candidate for City elective office or a City elective officer
11 who is the subject of a recall election" shall mean any communication that contains the candidate's or
12 officer's name, nickname or image or makes any other unambiguous reference to the candidate or
13 officer such as "your Supervisor" or "the incumbent."

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 CHAD A. JACOBS
19 Deputy City Attorney
20
21
22
23
24
25