

1 [Regulation of Recorded Political Telephone Messages.]

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3 **Ordinance amending Article I, Chapter 1 of the San Francisco Campaign and**
4 **Governmental Conduct Code by amending Section 1.104 and adding Section 1.163 to**
5 **require persons funding recorded telephone calls that support or oppose candidates**
6 **for City elective office to identify themselves as the source of funding.**

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

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

11 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
12 amended by amending Section 1.104 to read as follows:

13 **Sec. 1.104. DEFINITIONS.**

14 Whenever in this Chapter the following words or phrases are used, they shall mean:

15 (a) "Candidate" shall mean any individual listed on the ballot for election to any City and
16 County elective office or who otherwise has taken affirmative action to seek nomination or
17 election to such office. The term "candidate" shall also mean the candidate's campaign
18 committee.

19 (b) "Charitable organization" shall mean an entity exempt from taxation pursuant to
20 Title 26, Section 501 of the United States Code.

21 (c) "City elective office" shall mean the offices of Mayor, Member of the Board of
22 Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender,
23 Member of the Board of Education of the San Francisco Unified School District and Member
24 of the Governing Board of the San Francisco Community College District.
25

1 (d) "Committee" shall be defined as set forth in the Government Code of the State of
2 California (commencing at Section 81000).

3 (e) "Contribution" shall be defined as set forth in the Government Code of the State of
4 California (commencing at section 81000); provided, however, that "contribution" shall include
5 loans of any kind or nature.

6 (f) "Election" shall mean any primary, general or run-off municipal election held in the
7 City and County of San Francisco for City elective office. With respect to the offices of Public
8 Defender and Assessor, primary and general elections are separate elections for purposes of
9 this ordinance. The primary election period for these offices shall extend from January 1 of
10 the first year of an election cycle up to and including the date of the primary election, and the
11 general election period for the offices shall extend from the day following the primary election
12 up to and including December 31 of the fourth year of the election cycle. With respect to the
13 offices of Mayor, City Attorney, District Attorney, Sheriff, Treasurer and Supervisor, general
14 and run-off elections are separated elections for the purposes of this ordinance. The general
15 election period shall extend from January 1 of the first year of an election cycle up to and
16 including the date of the general election, and the run-off election period shall extend from the
17 date of the general election up to and including December 31 of the fourth year of the election
18 cycle.

19 (g) "Election cycle" shall mean a four-year period preceding a term of office as defined
20 by the San Francisco Charter, beginning on January 1, and ending on December 31 of the
21 fourth year thereafter.

22 (h) "Enforcement authority" shall mean the District Attorney of the City and County of
23 San Francisco for criminal enforcement and the City Attorney for civil enforcement. Nothing in
24 this Chapter shall be construed as limiting the authority of any law enforcement agency or
25

1 prosecuting attorney to enforce the provisions of this Chapter under any circumstances where
2 such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

3 (i) "Ethics Commission" shall mean the San Francisco Ethics Commission.

4 (j) "Executive Director" shall mean the Executive Director of the Ethics Commission, or
5 the Executive Director's designee.

6 (k) "Matching contribution" shall mean a contribution, other than a qualifying
7 contribution, that is made by an individual who is a resident of San Francisco and that
8 complies with all requirements of this Chapter.

9 (l) "Measure" shall mean any City referendum, recall or ballot proposition, whether or
10 not it qualifies for the ballot.

11 (m) "Person" shall mean any individual, partnership, corporation, association, firm,
12 committee, club or other organization or group of persons, however organized.

13 (n) "Qualified campaign expenditure" for candidates shall mean

14 (1) Any expenditure made by a candidate, or by a committee controlled by the
15 candidate, for the purpose of influencing or attempting to influence the actions of the voters for
16 the election of the candidate to City elective office.

17 (2) A nonmonetary contribution provided to the candidate, officeholder or committee
18 controlled by the candidate.

19 (3) The total cost actually paid or incurred by the candidate or controlled committee of
20 the candidate for a slate mailing or other campaign literature produced or authorized by more
21 than one candidate.

22 (4) "Qualified campaign expenditure" shall not include expenses incurred in connection
23 with an administrative or judicial proceeding, payments for administrative, civil or criminal
24 fines, including late filing fines, or for inaugural activities or officeholder expenses.
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1 (o) "Qualifying contribution" shall mean a contribution of not less than \$10 and not more
2 than \$100 that is made by written instrument by an individual who is a resident of San
3 Francisco and that complies with all requirements of this Chapter.

4 (p) "Recorded telephone message" shall mean a recorded audio message that expressly
5 supports or opposes a candidate for City elective office that is distributed by telephone to 500 or more
6 individuals or households.

7 (q) (p) "Surplus funds" shall mean unexpended funds held by a candidate after the date
8 on which the candidate was either elected or not elected to City elective office.

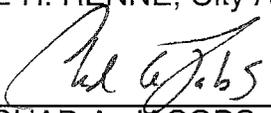
9
10 Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby
11 amended by adding Section 1.163, to read as follows:

12 **Sec. 1.163. Disclosure Requirements – Recorded Telephone Messages.**

13 Any recorded telephone message must include the following statement: "paid for by _____ (insert
14 name of person who paid for the recorded telephone message)." Statements required pursuant to this
15 section shall be audible and played at the same volume and speed as the rest of the of the recorded
16 telephone message.

17
18 APPROVED AS TO FORM:
19 LOUISE H. RENNE, City Attorney

20 By:


21 CHAD A. JACOBS
22 Deputy City Attorney
23
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 010779

Date Passed:

Ordinance amending Article I, Chapter 1 of the San Francisco Campaign and Governmental Conduct Code by amending Section 1.104 and adding Section 1.163 to require persons funding recorded telephone calls that support or oppose candidates for City elective office to identify themselves as the source of funding.

August 13, 2001 Board of Supervisors — PASSED ON FIRST READING

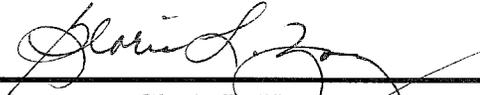
Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom,
Peskin, Sandoval, Yee
Absent: 1 - Hall

August 20, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom,
Peskin, Yee
Absent: 2 - Hall, Sandoval

File No. 010779

I hereby certify that the foregoing Ordinance was FINALLY PASSED on August 20, 2001 by the Board of Supervisors of the City and County of San Francisco.



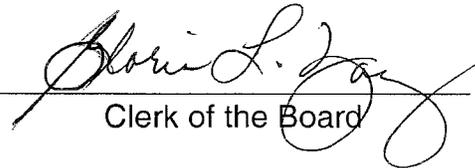
Gloria L. Young
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.

Date: August 31, 2001

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Clerk of the Board

File No.
010779