

**REVISED LEGISLATIVE DIGEST**

(Substituted, 5/1/2018)

[Campaign and Governmental Conduct Code - Campaign Finance Amendments]

**Ordinance amending the Campaign and Governmental Conduct Code to require candidates to attest to the lack of any coordination with other committees; and that the Voter Information Pamphlet note which candidates have agreed to voluntary spending limits.**

Existing Law

1. Independent Expenditures; Coordination

Consistent with state law, local law specifies that if an expenditure is made at the behest of a candidate, the expenditure constitutes a contribution to the candidate it benefits. S.F. Campaign & Gov'tal Conduct Code § 1.115. Local law does not require candidates to make any explicit representations or statements regarding this potential "coordination" with committees making expenditures on their behalf.

2. Voluntary Expenditure Ceilings

Candidates for Assessor, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, the Board of Education of the San Francisco Unified School District ("School Board") or the Board of Trustees for the San Francisco Community College District ("City College Board") may accept voluntary spending limits, referred to as "voluntary expenditure ceilings." *Id.* § 1.128(a). The voluntary expenditure ceiling for candidates for Assessor, City Attorney, District Attorney, Public Defender, Sheriff, and Treasurer is \$243,000. *Id.* § 1.130(a). The voluntary expenditure ceiling for School Board and City College Board candidates is \$104,000. *Id.* § 1.130(b). The Ethics Commission may "lift" these voluntary expenditures ceilings in specified circumstances. See *id.* § 1.134.

Candidates for the Board of Supervisors and Mayor cannot accept these voluntary spending limits. But these candidates may participate in the City's separate public financing program.

Amendments to Current Law

1. Independent Expenditures; Coordination

The proposed ordinance would require candidates to file statements with the Ethics Commission attesting, under penalty of perjury, that they have not engaged in any "coordination" with committees making independent expenditures.

## 2. Voluntary Expenditure Ceilings

The proposed ordinance would require the Director of Elections to include a notation in the Voter Information Pamphlet for each candidate for Assessor, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, School Board, and City College Board indicating whether the candidate has accepted the applicable voluntary expenditure ceiling. The proposal would also require the Director of Elections, in consultation with the Executive Director of the Ethics Commission, to also include a notation in the Voter Information Pamphlet explaining that candidates for the Board of Supervisors and Mayor are not eligible to accept voluntary expenditure ceilings.

### Background Information

Under Campaign and Governmental Conduct Code section 1.103, the Board of Supervisors may amend the campaign finance provisions of the Code if:

- (a) The amendment furthers the purposes of this Chapter;
- (b) The Ethics Commission approves the proposed amendment in advance by at least a four-fifths vote of all its members;
- (c) The proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors; and
- (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.

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