

1 Proposed Amendments - Supervisor Kim

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3 **AMENDMENT #1 - REPORTING OF EXPENDITURES ON ELECTRONIC MEDIA**
4 **TECHNOLOGIES**

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6 **SEC. 1.104. DEFINITIONS.**

7 Whenever in this Chapter 1 the following words or phrases are used, they shall mean:

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9 "Social media technologies" shall mean electronic "Electronic media technologies" shall
10 mean technologies that distribute communications, commonly user-generated content, within virtual
11 communities. "Social "Electronic media technologies" includes, but is not limited to, Facebook,
12 Instagram, LinkedIn, Pinterest, Reddit, Snapchat, Tumblr, Twitter, WhatsApp, and YouTube. [File No.
13 170868 - page 2, lines 11-14]

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16 **SEC. 1.110. CAMPAIGN STATEMENTS.** [File No. 170868 - page 2, line 16]

17 (a) INSPECTION AND COPYMAKING. Campaign statements are to be open for
18 public inspection and reproduction at the Office of the Ethics Commission during regular
19 business hours and such additional hours as the Ethics Commission determines appropriate.
20 The Commission shall provide public notice of the hours that the office is open for inspection
21 and reproduction. *The Ethics Commission shall also make campaign statements available through its*
22 *website.*

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24 (c) SOCIAL MEDIA ELECTRONIC MEDIA TECHNOLOGIES. *Campaign statements*
25 *shall disclose, as required by the Political Reform Act, expenditures on social electronic media*

1 technologies. Without limitation, campaigns shall disclose expenditures on the promotion of social
2 electronic media accounts, methods to increase popularity of social electronic media posts, written
3 communications, or any audio or video distributed through social electronic media technologies.

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AMENDMENT #2 - REDISTRICTING AND PUBLICLY FINANCED CANDIDATES

SEC. 1.142. PROCESS FOR ESTABLISHING ELIGIBILITY; CERTIFICATION BY THE ETHICS COMMISSION. [File No. 170868 - page 8, lines 1-2]

(a) STATEMENT OF PARTICIPATION OR NON-PARTICIPATION. Each candidate for the Board of Supervisors or Mayor must sign and file a Statement of Participation or Non-Participation in the public financing program. The statement must be filed by the candidate with the Ethics Commission no later than the deadline for filing nomination papers. On the statement, each candidate shall indicate whether he or she intends to participate in the public financing program. A statement of participation or non-participation may not be amended after the deadline for filing nomination papers.

(b) DECLARATION BY CANDIDATE. To become eligible to receive public financing of campaign expenses under this Chapter, a candidate shall declare, under penalty of perjury, that the candidate satisfies the requirements specified in Section 1.140. Candidates shall be permitted to submit the declaration and any supporting material required by the Ethics Commission to the Ethics Commission no earlier than nine months before the date of the election, but no later than the 70th day before the election. Once the declaration and supporting material are submitted, they may not be amended. The declaration and supporting material may be withdrawn and refiled, provided that the refiling is made no later than the 70th day before the election.

If any deadline imposed by this Subsection falls on a Saturday, Sunday, or legal holiday, the deadline shall be the next business day.

(c) DETERMINATION OF ELIGIBILITY. The Executive Director of the Ethics Commission shall review the candidate's declaration and supporting material to determine whether the candidate is eligible to receive public funds under this Chapter. The Executive

1 Director may audit the candidate's records, interview contributors and take whatever steps the
2 Executive Director deems necessary to determine eligibility. At the request of the Executive
3 Director, the Controller shall assist in this review process.

4 (d) DETERMINATION OF OPPOSITION. To determine whether a candidate for the
5 Board of Supervisors is opposed as required under Section 1.140(b)(3) of this Chapter or a
6 candidate for Mayor is opposed as required under Section 1.140(c)(3) of this Chapter, the
7 Executive Director shall review the material filed pursuant to Section 1.152 of this Chapter,
8 and may review any other material.

9 (e) CERTIFICATION. If the Executive Director determines that a candidate for Mayor
10 or the Board of Supervisors has satisfied the requirements of Section 1.140, the Executive
11 Director shall notify the candidate and certify to the Controller that the candidate is eligible to
12 receive public financing under this Chapter. The Executive Director shall not certify that a
13 candidate is eligible to receive public financing if the candidate's declaration or supporting
14 material is incomplete or otherwise inadequate to establish eligibility. Except as provided in
15 subsection (h), the Executive Director shall determine whether to certify a candidate no later
16 than 30 days after the date the candidate submits his or her declaration and supporting
17 material, provided that the Executive Director shall make all determinations regarding whether
18 to certify a candidate no later than the 55th day before the election.

19 (f) RESUBMISSION. If the Executive Director declines to certify that a candidate is
20 eligible to receive public financing under this Chapter, the Executive Director shall notify the
21 candidate. Notwithstanding Section 1.142(b) of this Chapter, the candidate may, within five
22 business days of the date of notification, resubmit the declaration and supporting material. If
23 the candidate does not timely resubmit, the Executive Director's determination is final.

24 If, after viewing resubmitted material, the Executive Director declines to certify that a
25 candidate is eligible to receive public financing under this Chapter, the Executive Director

1 shall notify the candidate of this fact. Additional resubmissions may be permitted in the
2 Executive Director's discretion. If the candidate fails to resubmit in the time specified by the
3 Executive Director, or if no further resubmissions are permitted, the Executive Director's
4 determination is final.

5 (g) APPEAL TO THE ETHICS COMMISSION. If the Executive Director declines to
6 certify that a candidate is eligible to receive public financing under this Chapter, the candidate
7 may appeal the Executive Director's final determination to the Ethics Commission. The
8 candidate must deliver the written appeal to the Ethics Commission within five days of the
9 date of notification of the Executive Director's determination.

10 ~~(h) SUPERVISORIAL CANDIDATES SEEKING ELECTION IN NOVEMBER 2012. The~~
11 ~~Executive Director shall not certify any supervisorial candidates seeking election in November 2012 as~~
12 ~~eligible to receive public funds until the Redistricting Task Force, convened by the Board of~~
13 ~~Supervisors in Ordinance No. 93-11, has completed its 2012 revision of supervisorial district~~
14 ~~boundaries. Supervisorial candidates seeking election in November 2012 may submit their declaration~~
15 ~~and any supporting material concerning their eligibility to the Ethics Commission prior to the~~
16 ~~completion of the Redistricting Task Force's revision of supervisorial district boundaries.~~

1 **AMENDMENT #3 - DISCLOSURE OF ELECTIONEERING COMMUNICATIONS**

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3 **SEC. 1.162. ELECTIONEERING COMMUNICATIONS.**

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5 (b) REPORTING OBLIGATIONS.

6 (1) Every person who makes payments for electioneering communications in an
7 aggregate amount of \$1,000 per candidate during any calendar year shall, within 24 hours of
8 each distribution, file a disclosure statement with the Ethics Commission. For the purposes of
9 this subsection, payments for a communication that refers only to one candidate shall be
10 attributed entirely to that candidate. Payments for a communication that refers to more than
11 one candidate, or also refers to one or more ballot measures, shall be apportioned among
12 each candidate and measure according to the relative share of the communication dedicated
13 to that candidate or measure.

14 (2) Each disclosure statement required to be filed under this Section shall
15 contain the following information for each communication:

16 * * * * [File No. 170868 - page 18, lines 1-7]

17 (E) a legible copy of the electioneering communication, including any
18 electioneering communication distributed through electronic media technologies, and

19 (i) if the communication is a telephone call, a copy of the script
20 and if the communication is recorded, the recording shall be provided; ~~or~~

21 (ii) if the communication is audio or video, a copy of the script and
22 an audio or video file shall be provided; ~~or~~

23 ~~(iii) if the communication is distributed using social media~~
24 ~~technologies, a copy of the communication.~~

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1 **AMENDMENT #4 – DISCLOSURE OF MEMBER COMMUNICATIONS**

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3 **SEC. 1.163. MEMBER COMMUNICATIONS.**

4 (a) Every person who makes payments for member communications in an aggregate
5 amount of \$1,000 per candidate within the 90 days prior to an election shall, within 24 hours of
6 each distribution, file a disclosure statement with the Ethics Commission. For the purposes of
7 this subsection, payments for a communication that supports or opposes only one candidate
8 shall be attributed entirely to that candidate. Payments for a communication that supports or
9 opposes more than one candidate, or also supports or opposes one or more ballot measures,
10 shall be apportioned among each candidate and measure according to the relative share of
11 the communication dedicated to that candidate or measure.

12 (b) Each disclosure statement required to be filed under this Section shall contain the
13 following information:

14 * * * * [File No. 170868 - page 19, lines 16-22]

15 (4) a legible copy of the member communication, including any member
16 communication distributed through electronic media technologies; and

17 (A) if the communication is a telephone call, a copy of the script and if
18 the communication is recorded, the recording shall be provided; ~~or~~

19 (B) if the communication is audio or video, a copy of the script and an
20 audio or video file shall be provided; ~~or~~

21 (C) if the communication is distributed using social media technologies, a copy
22 of the communication.

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