

File No. 111277

Committee Item No. _____
Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 2/16/12

Board of Supervisors Meeting

Date 2/28/12

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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Completed by: Linda Wong

Date 2/13/11

Completed by: LW

Date 2/22/12

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Campaign and Governmental Conduct Code - Certification of Supervisorial Candidates'
2 Eligibility for Public Financing in 2012]

3 **Ordinance amending the San Francisco Campaign and Governmental Conduct Code**
4 **Section 1.142 to delay the certification of 2012 supervisorial candidates seeking public**
5 **financing until the Redistricting Task Force completes its revision of supervisorial**
6 **district boundaries.**

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

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

12 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
13 amended by amending Section 1.142, to read as follows:

14 SEC. 1.142. PROCESS FOR ESTABLISHING ELIGIBILITY; CERTIFICATION BY
15 THE ETHICS COMMISSION.

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

23 (b) DECLARATION BY CANDIDATE. To become eligible to receive public
24 financing of campaign expenses under this Chapter, a candidate shall declare, under penalty
25 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

1 by the Ethics Commission to the Ethics Commission no earlier than nine months before the
2 date of the election, but no later than the 70th day before the election. Once the declaration
3 and supporting material are submitted, they may not be amended. The declaration and
4 supporting material may be withdrawn and refiled, provided that the refiling is made no later
5 than the 70th day before the election.

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

8 (c) DETERMINATION OF ELIGIBILITY. The Executive Director of the Ethics
9 Commission shall review the candidate's declaration and supporting material to determine
10 whether the candidate is eligible to receive public funds under this Chapter. The Executive
11 Director may audit the candidate's records, interview contributors and take whatever steps the
12 Executive Director deems necessary to determine eligibility. At the request of the Executive
13 Director, the Controller shall assist in this review process.

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

19 (e) CERTIFICATION. If the Executive Director determines that a candidate for
20 Mayor or the Board of Supervisors has satisfied the requirements of Section 1.140, the
21 Executive Director shall notify the candidate and certify to the Controller that the candidate is
22 eligible to receive public financing under this Chapter. The Executive Director shall not certify
23 that a candidate is eligible to receive public financing if the candidate's declaration or
24 supporting material is incomplete or otherwise inadequate to establish eligibility. *Except as*
25 *provided in subsection (h),* ~~the~~ Executive Director shall determine whether to certify a

1 candidate no later than 30 days after the date the candidate submits his or her declaration
2 and supporting material, provided that the Executive Director shall make all determinations
3 regarding whether to certify a candidate no later than the 55th day before the election.

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

9 If, after viewing resubmitted material, the Executive Director declines to certify that a
10 candidate is eligible to receive public financing under this Chapter, the Executive Director
11 shall notify the candidate of this fact. Additional resubmissions may be permitted in the
12 Executive Director's discretion. If the candidate fails to resubmit in the time specified by the
13 Executive Director, or if no further resubmissions are permitted, the Executive Director's
14 determination is final.

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

20 (h) SUPERVISORIAL CANDIDATES SEEKING ELECTION IN NOVEMBER 2012. The
21 Executive Director shall not certify any supervisorial candidates seeking election in November 2012 as
22 eligible to receive public funds until the Redistricting Task Force, convened by the Board of
23 Supervisors in Ordinance No. 93-11, has completed its 2012 revision of supervisorial district
24 boundaries. Supervisorial candidates seeking election in November 2012 may submit their declaration
25

1 and any supporting material concerning their eligibility to the Ethics Commission prior to the
2 completion of the Redistricting Task Force's revision of supervisorial district boundaries.

3 Section 3. Effective Date. This ordinance shall become effective 30 days from the
4 date of passage.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By: 
9 JON GIVNER
Deputy City Attorney

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code – Certification of supervisorial candidates' eligibility for public financing in 2012]

Ordinance amending Section 1.142 of the San Francisco Campaign and Governmental Conduct Code to delay the certification of 2012 supervisorial candidates seeking public financing until the Redistricting Task Force completes its revision of supervisorial district boundaries.

Existing Law

The City provides public campaign financing to candidates for Supervisor who meet certain eligibility requirements. Under current law, candidates may seek public financing from the Ethics Commission up to nine months before Election Day. Candidates running for Supervisor in November 2012 may apply for public financing beginning February 6, 2012. Within 30 days of receiving the required material from the candidate, the Ethics Commission's Executive Director must determine whether the candidate is eligible for public financing. If the candidate is eligible, the Executive Director must certify to the Controller that the candidate is eligible to receive public funds.

In 2012, the Redistricting Task Force will redraw the boundaries for the City's supervisorial districts. The Task Force must complete the new lines by April 15, 2012.

Amendments to Current Law

This legislation would prohibit the Ethics Commission's Executive Director from certifying that any candidate in 2012 is eligible to receive public financing until the Redistricting Task Force has completed its revision of the district boundaries. The legislation would permit candidates to apply for public financing as early as February 6, but those candidates would not receive any public funds until they are certified as eligible after the Redistricting Task Force redraws the district lines.

Background Information

The proposal amends the Article I, Chapter 1 of the Campaign & Governmental Conduct Code (the "Campaign Finance Reform Ordinance" or "CFRO"). The Campaign Finance Reform Ordinance, which was originally approved by the voters, expressly authorizes amendment by the Board of Supervisors only if:

- 1) the amendment furthers the purposes of the CFRO;

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- 2) the amendment is submitted to the Ethics Commission and recommended by its members by a four-fifths vote;
- 3) the legislation is made available for public review for 30 days; and
- 4) the Board of Supervisors adopts the legislation by a two-thirds vote.

See S.F. Campaign and Governmental Conduct Code Sec. 1.103.

At its November 14, 2011 meeting, the Ethics Commission unanimously adopted the proposed legislation.

