

1 [Campaign Finance Reform Amendments of 2003.]
2

3 **Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct**
4 **Code by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate**
5 **definitions; amending section 1.106 to clarify that State law is incorporated; amending**
6 **section 1.108 to clarify that it applies only to candidates; amending section 1.110 to**
7 **provide the Ethics Commission discretion to provide additional office hours prior to an**
8 **election and to conform to minimum state law record retention periods; amending**
9 **section 1.114 to apply contribution limits to affiliated entity contributions, to authorize**
10 **the Ethics Commission to determine when contributions must be returned and to**
11 **reduce or waive forfeiture penalties, and to clarify that limits apply to special elections;**
12 **amending section 1.116 to extend loan limitations to candidates for all City elective**
13 **offices and to authorize the Commission to adjust these amounts; amending section**
14 **1.122 to clarify that campaign funds may be used for officeholder expenses, to provide**
15 **that certain surplus funds may be donated to charity, and that contributions transferred**
16 **between a candidate's committees must be attributed to specific contributors; deleting**
17 **section 1.124 on money laundering because the ordinance already incorporates state**
18 **law provisions; amending section 1.126 to extend the time period city contractors are**
19 **prohibited from making contributions to public officials who approve their contracts;**
20 **amending section 1.128 to provide a penalty for violating an agreement to limit**
21 **campaign spending; amending section 1.130 to clarify that expenditure ceilings apply**
22 **in special elections and to reflect that spending limits have been adjusted for inflation;**
23 **amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section**
24 **1.135 to consolidate and harmonize provisions on lifting the spending limits; amending**
25 **section 1.140 to correct cross-references, to require that candidates file a statement of**

Supervisor Gonzalez

**ETHICS COMMISSION **

BOARD OF SUPERVISORS

1 intent to participate in public financing, to lower to \$5,000 the threshold for qualifying
2 for public financing, and to provide additional time for qualifying for public financing,
3 amending section 1.142 to require filing of statement of intent to participate in public
4 financing program; amending section 1.150 to provide that repayment of public funds
5 shall be made to the Ethics Commission, rather than the Controller, for deposit in the
6 Election Campaign Fund; amending section 1.152 to conform language to other
7 amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics
8 Commission to determine whether pro-ration is required; amending section 1.162 to
9 clarify that the notice provision applies only to mass mailings; amending section 1.163
10 to require recordkeeping for recorded telephone messages; amending section 1.164 to
11 clarify references; amending section 1.168 to eliminate language suggesting that
12 persons can obtain immunity if they do not receive a response to a request for advice
13 within a specified period of time; amending section 1.170 to increase the penalties for
14 violations of the Ordinance to \$5,000, to incorporate penalties described in section
15 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and
16 amending section 1.174 to clarify that the department of elections may decline to
17 certify a nomination if a candidate fails to file a statement regarding acceptance or
18 rejection of spending limits.

19
20 Note: Additions are single-underline italics Times New Roman;
21 deletions are ~~striketrough italics Times New Roman~~.
22 Board amendment additions are double underlined.
23 Board amendment deletions are ~~striketrough normal~~.

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

25 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
amended by amending Sections 1.104, 1.106, 1.108, 1.110, 1.114, 1.116, 1.122, 1.126,

1 1.128, 1.130, 1.134, 1.140, 1.142, 1.144, 1.148, 1.150, 1.152, 1.154, 1.162, 1.163, 1.164,
2 1.168, 1.170, 1.174, deleting sections 1.124, 1.146 and 1.172, and adding section 1.135 to
3 read as follows:

4 SEC. 1.104. DEFINITIONS.

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

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

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

12 (c) "City elective office" shall mean the offices of Mayor, Member of the Board of
13 Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender,
14 Member of the Board of Education of the San Francisco Unified School District and Member
15 of the Governing Board of the San Francisco Community College District. The Board of
16 Supervisors shall be deemed to consist of eleven separate City elective offices, the San Francisco
17 Community College District shall be deemed to consist of seven separate City elective offices, and the
18 Board of Education of the San Francisco Unified School District shall be deemed to consist of seven
19 separate City elective offices.

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

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

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

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

17 (h) "Enforcement authority" shall mean the District Attorney of the City and County of
18 San Francisco for criminal enforcement and the City Attorney for civil enforcement. Nothing in
19 this Chapter shall be construed as limiting the authority of any law enforcement agency or
20 prosecuting attorney to enforce the provisions of this Chapter under any circumstances where
21 such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

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

23 (j) "Executive Director" shall mean the Executive Director of the Ethics Commission, or
24 the Executive Director's designee.
25

1 (k) "Matching contribution" shall mean a contribution, ~~other than a qualifying contribution,~~
2 that is made by an individual, ~~other than the candidate,~~ who is a resident of San Francisco.
3 Matching contributions shall not include loans or qualifying contributions, and must comply and that
4 complies with all requirements of this Chapter. Matching contributions under \$100 that are not
5 made by written instrument must be accompanied by written documentation of the contributor's name
6 and address.

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

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

11 (n) "Qualified campaign expenditure" for candidates shall ~~mean~~ includes all of the
12 following:

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

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

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

21 (4) Expenses incurred, but for which payment has not yet been made.

22 (5) Expenses associated with complying with applicable laws, including but not limited to the
23 California Political Reform Act, Government Code section 81000, et seq., Chapter 3 of this Article
24 governing electronic filing of campaign statements, and the provisions of this Chapter.

1 (6) (4) "Qualified campaign expenditure" shall not include expenses incurred in
2 connection with an administrative or judicial proceeding, payments for administrative, civil or
3 criminal fines, including late filing fines, or for inaugural activities or officeholder expenses.

4 (o) "Qualifying contribution" shall mean a contribution of not less than \$10 ~~and not more~~
5 ~~than \$100~~ and not more than \$100 that is made ~~by written instrument~~ by an individual who is a
6 resident of San Francisco and that complies with all requirements of this Chapter. Qualifying
7 contributions shall not include loans. Qualifying contributions under \$100 that are not made by
8 written instrument must be accompanied by written documentation of the contributor's name and
9 address.

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

13 (q) "Surplus funds" shall mean ~~unexpended funds~~ remaining in a candidate's campaign
14 account at the time the candidate leaves City elective office, or at the end of the post-election reporting
15 period following the defeat of the candidate for City elective office, whichever occurs last, and funds
16 remaining in the campaign account of a committee primarily formed to support or oppose a measure at
17 the end of the post-election reporting period following the election at which the measure appeared on
18 the ballot, held by a candidate after the date on which the candidate was either elected or not elected to
19 City elective office.

20 (r) "Written instrument" means a check, credit card receipt, or record of electronic transfer of
21 funds.

22
23 SEC. 1.106. ADOPTION OF GENERAL LAW - EXCEPTIONS.

24 Except as otherwise provided in, or inconsistent with, this Chapter or other provisions of
25 local law, the provisions ~~of Title 9 of the~~ Government Code of the State of California

1 (commencing at Section 81000), ~~including the penal provisions thereof, shall be applicable to any~~
2 ~~election held in the City and County of San Francisco, relating to local elections including any~~
3 ~~subsequent amendments, are hereby incorporated as part of this Chapter.~~

4
5 SEC. 1.108. CANDIDATE CAMPAIGN CONTRIBUTION TRUST ACCOUNT—
6 ESTABLISHMENT.

7 Each ~~committee~~-treasurer for a candidate shall establish a campaign contribution trust
8 account for the candidate ~~or committee~~ at an office of a bank located in the City and County of
9 San Francisco, the account number and branch identification of which shall be filed with the
10 Ethics Commission within 10 days of the establishment of the account. ~~thereof.~~ All of the
11 expenditures by the candidate ~~or committee~~ for the City elective office sought shall be made
12 from that account.

13
14 SEC. 1.110. CAMPAIGN STATEMENTS -- PUBLIC ACCESS.

15 (a) INSPECTION AND COPYMAKING. Campaign statements are to be open for public
16 inspection and reproduction at the office of the Ethics Commission during regular business
17 hours and such additional hours as the Ethics Commission determines appropriate. ~~and from 10:00~~
18 ~~a.m. to 5:00 p.m. on the Saturday preceding an election. The Commission shall provide public notice of~~
19 the hours that the office is open for inspection and reproduction.

20 (b) RETENTION. Every campaign statement required to be filed in accordance with
21 Section 1.106 shall be preserved by the Ethics Commission for the period required under section
22 81009 of the California Government Code and any subsequent amendments thereto, or such additional
23 periods as the Ethics Commission determines appropriate, provided that the period of retention is not
24 less than eight years from the date the statement was required to be filed. ~~at least eight years from the~~
25 ~~date upon which it was required to be filed under the terms of this Chapter.~~

1 SEC. 1.114. CONTRIBUTION LIMITS.

2 (a) LIMITS ON CONTRIBUTIONS TO CANDIDATES-PRIMARY AND GENERAL
3 ELECTIONS.

4 (1) Per Candidate Limit. No person other than a candidate shall make, and no
5 candidate campaign treasurer shall solicit or accept, any contribution which will cause the total
6 amount contributed by such person to such candidate in the general election to exceed \$500.

7 (2) Overall Limit. No person shall make any contribution which will cause the total
8 amount contributed by such person to all candidates in the general election to exceed \$500
9 multiplied by the number of City elective offices to be voted on at the general election.

10 (3) ~~Definitions. Public Defender and Assessor; Special Elections.~~ With respect to the offices
11 of Public Defender and Assessor, the limits imposed by this subsection apply only to the
12 primary election. In any special election, the limits imposed by this subsection apply to the initial
13 election. If any run-off is held as part of a special election, then the limits in subsection (b) apply to the
14 run-off. For purposes of this subsection, the Board of Supervisors shall be deemed to consist of eleven
15 separate City elective offices, the San Francisco Community College District shall be deemed to consist
16 of seven separate City elective offices, and the Board of Education of the San Francisco Unified School
17 District shall be deemed to consist of seven separate City elective offices.

18 (b) LIMITS ON CONTRIBUTIONS TO CANDIDATES--RUN-OFF ELECTIONS.

19 (1) Per Candidate Limit. No person other than a candidate shall make, and no
20 candidate shall solicit or accept, any contribution which will cause the total amount contributed
21 by such person to such candidate for the run-off election to exceed \$250. The amount a
22 person may contribute to a candidate in connection with a run-off election shall be controlled
23 solely by the limits imposed by this subsection without regard to the amount said person
24 contributed to the candidate in the general or primary election.

1 (2) Overall Limit. No person shall make any contribution which will cause the total
2 amount contributed by such person to all candidates in a run-off election to exceed \$250
3 multiplied by the number of City elective offices to be voted on at that run-off election.

4 ~~(3) Definition. Public Defender and Assessor; Special Elections. With respect to the offices~~
5 ~~of Public Defender and Assessor, the limit imposed by this subsection applies only to the~~
6 ~~general election. In any special election, the limits imposed by this subsection apply to any run-off~~
7 ~~election held as part of the special election. For purposes of this subsection, the Board of Supervisors~~
8 ~~shall be deemed to consist of eleven separate City elective offices, the San Francisco Community~~
9 ~~College District shall be deemed to consist of seven separate City elective offices, and the Board of~~
10 ~~Education of the San Francisco Unified School District shall be deemed to consist of seven separate~~
11 ~~City elective offices.~~

12 (c) LIMITS ON CONTRIBUTIONS TO COMMITTEES.

13 (1) Per Committee Limit. No person shall make, and no committee treasurer shall
14 solicit or accept, any contribution which will cause the total amount contributed by such
15 person to the committee to exceed \$500 per calendar year.

16 (2) Overall Limit. No person shall make, and no committee treasurer shall solicit or
17 accept, any contribution which will cause the total amount contributed by such person to all
18 committees to exceed \$3000 per calendar year.

19 (3) Definitions. For purposes of this subsection, "committee" shall mean any committee
20 making expenditures to support or oppose a candidate, but shall not include candidates'
21 campaign committees.

22 (d) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.

23 (1) General rule. For purposes of the contribution limits imposed by this section and sections
24 1.120 and 1.126, the contributions of an entity whose contributions are directed and controlled by any

1 individual shall be aggregated with contributions made by that individual and any other entity whose
2 contributions are directed and controlled by the same individual.

3 (2) Multiple entity contributions controlled by the same persons. If two or more entities make
4 contributions that are directed and controlled by a majority of the same persons, the contributions of
5 those entities shall be aggregated.

6 (3) Majority-owned entities. Contributions made by entities that are majority-owned by any
7 person shall be aggregated with the contributions of the majority owner and all other entities majority-
8 owned by that person, unless those entities act independently in their decisions to make contributions.

9 (4) Definition. For purposes of this section, the term 'entity' means any person other than an
10 individual and "majority-owned" means a direct or indirect ownership of more than 50 percent, except
11 that an entity owned equally by two individuals shall be deemed majority-owned by each of the
12 individuals.

13 (5) Effective Date. This subsection shall take effect January 1, 2004.

14 (e)(d)-CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of
15 contributions received from a contributor is \$100 or more, the committee ~~treasurer~~ shall not
16 deposit ~~the any~~ contribution that causes the total amount contributed by a person to equal or exceed
17 \$100 unless the committee ~~treasurer~~ has the following information: the contributor's full name;
18 the contributor's street address; the contributor's occupation; and the name of the contributor's
19 employer or, if the contributor is self-employed, the name of the contributor's business. A
20 committee will be deemed not to have had the required contributor information at the time the
21 contribution was deposited if the required contributor information is not reported on the first campaign
22 statement on which the contribution is required to be reported.

23 (f)(e)-FORFEITURE OF ~~EXCESSIVE UNLAWFUL~~ CONTRIBUTIONS. In addition to any
24 other penalty, ~~Eeach treasurer who committee that~~ receives a contribution which exceeds the
25 limits imposed by this Section or which does not comply with the requirements of this Section

1 shall pay promptly, ~~from available campaign funds, if any,~~ the amount received or deposited in
2 excess of the amount permitted by this Section to the City and County of San Francisco and
3 deliver the payment to the City Treasurer Ethics Commission for deposit in the General Fund of the
4 City and County; provided that the Commission may provide for the waiver or reduction of the
5 forfeiture.

6 ~~(g) (f)~~ RETURN OF CONTRIBUTIONS. A contribution to a candidate or committee making
7 expenditures to support or oppose a candidate shall not be considered to be received if it is not
8 cached, negotiated, or deposited, or utilized, and in addition it is returned to the donor before the
9 closing date of the campaign statement on which the contribution would otherwise be reported, except
10 that within 72 hours of receipt. In the case of a late contribution a contribution to a candidate or
11 committee making expenditures to support or oppose a candidate made before an election at which the
12 candidate is to be voted on but after the closing date of the last campaign statement required to be filed
13 before the election as defined in Government Code Section 82036, it shall not be considered to be
14 deemed received if it is not cached, negotiated or deposited and is returned to the contributor within
15 48 hours of receipt. For all committees not addressed by this section, the determination of when
16 contributions are considered to be received shall be made in accordance with Government Code
17 section 81000, et seq.

18 ~~(g) FAIRNESS DOCTRINE. This Section shall not apply to any in-kind contribution of~~
19 ~~television or radio airtime to any candidate or committee granted to said candidate or committee~~
20 ~~pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC 576 (1963).~~

21
22 SEC. 1.116. LIMITS ON LOANS TO CANDIDATES.

23 ~~No candidate for the Board of Supervisors may have outstanding loans of the candidate's~~
24 ~~personal funds to the candidate's campaign committee at any time of more than \$15,000. A candidate's~~
25 ~~loan of personal funds to the candidate's campaign may not exceed at any time more than \$15,000 for~~

1 a candidate for the Board of Supervisors, Board of Education of the San Francisco Unified School
2 District or the Governing Board of the San Francisco Community College District, \$120,000 for a
3 candidate for Mayor, or \$35,000 for a candidate for Assessor or Public Defender, City Attorney,
4 Treasurer, District Attorney or Sheriff. A candidate may not charge interest on any loan the candidate
5 has made to the candidate's campaign. Whenever the Ethics Commission adjusts the voluntary
6 expenditure ceilings to reflect changes in the California Consumer Price Index, as authorized under
7 section 1.130, the Commission is authorized to adjust the loan amounts in this section to reflect
8 changes in the Consumer Price Index. This section shall take effect January 1, 2004.

9
10 SEC. 1.122. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS -
11 LIMITATIONS.

12 (a) Declaration of Intent Required. No intended candidate for any City elective office,
13 and no committee acting on behalf of a candidate, shall solicit or accept, or cause to be
14 solicited or accepted, any contribution unless and until said candidate shall have filed a
15 declaration of intention to become a candidate for a specific City ~~and County~~ elective office with
16 the Department of Elections on a form to be prescribed by the Director of Elections; ~~provided,~~
17 ~~however, that in any election in which members of the Board of Supervisors are elected by votes cast in~~
18 ~~a district, the office of a member of the Board of Supervisors shall be deemed to be a specific office of~~
19 ~~the City and County.~~

20 No person shall file a declaration of intention to become a candidate for more than one
21 City elective office. For the purposes of this Section a committee acting on behalf of a
22 candidate need not be controlled by or acting under the authorization of the candidate.

23 (b) Use of campaign funds.

24 (i) General. Except as otherwise provided in this Chapter, funds in a candidate's campaign
25 account may be used only on behalf of the candidacy for the office specified in the candidate's

1 declaration of intention filed under subsection (a) or for expenses associated with holding that office.
2 ~~Except as provided below, any contributions solicited or accepted under this Section shall be expended~~
3 ~~only on behalf of the candidacy for the office specified in said declaration of intention to become a~~
4 ~~candidate.~~ Contributions solicited or accepted under this Section for one individual shall not be
5 expended for the candidacy of any other individual or in support of or opposition to any
6 measure.

7 (ii) Withdrawal from candidacy. Campaign funds held by an individual who ceases to be a
8 candidate or fails to qualify for an office for which contributions have been solicited or accepted shall
9 be:

10 (A) returned on a pro rata basis to those persons who have made said contributions;

11 (B) donated to the City and County of San Francisco; or

12 (C) donated to a charitable organization.

13 (c) Surplus funds.

14 ~~Unexpended contributions~~ Surplus funds held by a candidate or committee ~~after the date of~~
15 ~~the election in which said candidate or measure appeared on the ballot may~~ shall be:

16 (i) returned on a pro rata basis to those persons who have made said
17 contributions;

18 (ii) donated to a charitable organization;

19 (iii) donated to the General Fund of the City and County of San Francisco; or

20 (iv) as contributions to a candidate or a committee acting on behalf of a candidate,

21 transferred to any legally constituted committee established by or on behalf of the
22 candidate, ~~pursuant to the provisions of~~ under the Government Code of the State of
23 California (commencing at section 81000). Contributions transferred under this subsection
24 shall be attributed to specific contributors using a "first in, first out" or "last in, first out"
25 accounting method.

1 ~~SEC. 1.124. PERSONS PROHIBITED FROM MAKING CONTRIBUTIONS IN THE NAME OF~~
2 ~~ANOTHER.~~

3 ~~(a) No contribution of \$100 or more other than an in-kind contribution shall be made unless by~~
4 ~~written instrument containing the name of the donor and the name of the payee.~~

5 ~~(b) No contribution shall be made, directly or indirectly, by any person in a name other than the~~
6 ~~name by which such person is identified for legal purposes.~~

7 ~~(c) Any candidate who receives a contribution made in violation of this Section shall pay~~
8 ~~promptly, from available campaign funds, the amount of the contribution to the City Treasurer Ethics~~
9 ~~Commission for deposit in the General Fund of the City and County.~~

10
11 SEC. 1.126. CONTRIBUTION LIMITS - CONTRACTORS DOING BUSINESS WITH
12 THE CITY.

13 No person who contracts with the City and County of San Francisco, for the
14 rendition of personal services, for the furnishing of any material, supplies or equipment to the
15 City, or for selling or leasing any land or building to or from the City, whenever such
16 transaction would require approval by a City elective officer, or the board on which that City
17 elective officer serves, shall make any contribution to such an officer, or candidate for such an
18 office, or committee controlled by such officer or candidate at any time ~~between~~from the
19 commencement of negotiations for such contract until and either the completion of, or (1) the
20 termination of, negotiations for such contract; or (2) three months has elapsed from the date
21 the contract is approved by the City elective officer, or the board on which that City elective
22 officer serves.

1 SEC. 1.128. ACCEPTANCE OR REJECTION OF VOLUNTARY EXPENDITURE
2 CEILINGS.

3 (a) All candidates for City elective office ~~who adopt campaign expenditure ceilings as~~
4 ~~defined below~~ must file a statement with the Ethics Commission Department of Elections indicating
5 whether they accept or decline to accept acceptance of the applicable expenditure ceiling. Said This
6 statement, which is a public document, shall be filed no later than the deadline for filing
7 nomination papers with the Department of Elections, and once filed may not be withdrawn.
8 This statement is a public document.

9 The ~~Registrar of Voters~~ Director of Elections shall cause to be published in the Voter
10 Information Pamphlet, on the same page as appears the candidate's statement of
11 qualifications, a notice informing voters whether the candidate has adopted the voluntary
12 expenditure ceiling.

13 (b) Any candidate who files a statement pursuant to this section accepting the applicable
14 expenditure ceiling and makes campaign expenditures in excess of the expenditure ceiling, at a time
15 when the ceiling has not been lifted, is subject to the penalties in section 1.170 for violation of this
16 Chapter.

17
18 SEC. 1.130. AMOUNT OF EXPENDITURE CEILINGS.

19 (a) In primary elections, any candidate for Assessor or Public Defender who agrees to
20 expenditure ceilings shall not make total qualified campaign expenditures exceeding ~~\$175,000~~
21 211,000. In general elections, any candidate for Assessor or Public Defender who agrees to
22 expenditure limits shall not make total qualified campaign expenditures exceeding ~~\$100,000~~
23 121,000.

24 (b) In general elections, any candidate for Mayor who agrees to expenditure ceilings
25 shall not make total qualified campaign expenditures exceeding ~~\$600,000~~ 724,000. In run-off

1 elections, any candidate for Mayor who agrees to expenditure limits shall not make total
2 qualified campaign expenditures exceeding ~~\$400,000~~482,000.

3 (c) In general elections, any candidate for City Attorney, District Attorney, Treasurer or
4 Sheriff who agrees to expenditure ceilings shall not make total qualified campaign
5 expenditures exceeding ~~\$175,000~~211,000. In run-off elections, any candidate for City Attorney,
6 District Attorney, Treasurer or Sheriff who agrees to expenditure limits shall not make total
7 qualified campaign expenditures exceeding ~~\$100,000~~121,000.

8 (d) In general elections, any candidate for the Board of Supervisors who agrees to
9 expenditure ceilings shall not make total qualified campaign expenditures exceeding ~~\$75,000~~
10 83,000. In run-off elections, any candidate for the Board of Supervisors who agrees to
11 expenditure limits shall not make total qualified campaign expenditures exceeding
12 ~~\$20,000~~22,000.

13 (e) Any candidate for the Board of Education of the San Francisco Unified School
14 District or the Governing Board of the San Francisco Community College District who agrees
15 to expenditure ceilings shall not make total qualified campaign expenditures exceeding
16 ~~\$75,000~~90,000.

17 *(f) The expenditure ceilings set forth in this section for a particular office apply to any special*
18 *election to fill a vacancy in that office. The expenditure ceilings applicable to the general or primary*
19 *election for the office apply in any initial election held as part of the special election. In the event that*
20 *a run-off is held as part of a special election, the expenditure ceilings applicable to the run-off for that*
21 *office, or general election in the case of the office of Public Defender or Assessor, shall apply.*

22 ~~(g)~~*(f)* The Ethics Commission is authorized to adjust annually the expenditure ceilings
23 imposed by this Section to reflect the change in the California Consumer Price Index for that
24 year.
25

1 SEC. 1.134. EXPENDITURE CEILINGS LIFTED—~~OFFICES OTHER THAN~~
2 ~~SUPERVISOR.~~

3 This Section shall apply only if at least one candidate for the City elective office has
4 filed a statement with the Department of Elections pursuant to Section 1.128 indicating
5 acceptance of the applicable expenditure limits.

6 (a) If a candidate who has filed a statement under section 1.128 declining declines to accept
7 expenditure ceilings ~~and~~ receives contributions or makes qualified campaign expenditures in
8 excess of 100 percent of the applicable expenditure ceiling, or if ~~a~~ committee or committees that
9 make independent expenditures ~~committee or committees~~ in the aggregate make expenditures, or
10 incur expenses, including expenditures made or expenses incurred for the purpose of making member
11 communications, spend in support of or in opposition to a candidate that total more than 100
12 percent of the applicable expenditure ceiling, the applicable expenditure limit shall no longer
13 be binding on any candidate seeking election to the same City elective office.

14 (b) Any candidate who declines to adopt the voluntary expenditure ceiling and who
15 receives contributions, makes expenditures, incurs expenses or has funds in his campaign trust
16 account that exceed 100 percent of the applicable expenditure ceiling shall, within 24 hours of
17 exceeding 100 percent of the applicable expenditure ceiling, file a statement with the Ethics
18 Commission, on forms to be provided by the Ethics Commission, stating that fact and any
19 additional information required by the Ethics Commission. Within 24 hours after receiving
20 such notice, the Ethics Commission shall inform every other candidate for that office by
21 registered mail, return receipt requested, that the expenditure ceiling has been lifted.

22 (c) Any committee that makes independent expenditures and ~~committee~~ that spends makes
23 expenditures, or incurs expenses, in support of or in opposition to any candidate in an amount of
24 more than \$5,000 or more ~~25 percent of the applicable expenditure ceiling,~~ including expenditures
25 made or expenses incurred for the purpose of making member communications, shall, within 24 hours

1 of reaching this threshold, file a statement with the Ethics Commission, on forms to be
2 provided by the Ethics Commission, stating that fact and any additional information required
3 by the Ethics Commission. Thereafter, until such time as the applicable expenditure ceiling is
4 lifted, any such committee shall file a supplemental statement with the Ethics Commission
5 each time the ~~independent expenditure~~ committee ~~spends~~ makes expenditures or incurs expenses in
6 support of or in opposition to ~~such any~~ candidate of an additional \$5,000, including expenditures
7 made or expenses incurred for the purpose of making member communications ~~five percent of the~~
8 ~~applicable expenditure ceiling~~. The supplemental statements shall be filed within 24 hours of
9 reaching these spending thresholds.

10
11 SEC. 1.135 SUPPLEMENTAL REPORTING.

12 In addition to the campaign disclosure requirements imposed by the California Political Reform
13 Act and other provisions of this Chapter, any committee that makes contributions or independent
14 expenditures totaling \$500 or more in a calendar month during the six months immediately preceding
15 an election, to support or oppose a candidate for City elective office at that election, shall disclose,
16 prior to the date of the election, all contributions and loans received and all expenditures made. The
17 Ethics Commission shall prescribe the form, content and filing deadlines for these statements. The
18 Ethics Commission may require that these statements be filed electronically.

19
20 SEC. 1.140. ELIGIBILITY TO RECEIVE PUBLIC FINANCING.

21 (a) REQUIREMENTS. To be eligible to receive public financing of campaign
22 expenses under this Chapter, a candidate must:

- 23 (1) Be seeking election to the Board of Supervisors and be eligible to hold the
24 office sought;

1 (2) Have filed a statement indicating that he or she intends to participate in the public
2 financing program under Section 1.142(a) of this Chapter;

3 ~~(3)(2)~~ Have received at least \$5000 ~~7,500~~ in qualifying contributions from at least
4 75 contributors before the 70th day before the election; ~~Candidates who are attempting to~~
5 ~~qualify for public financing are permitted to solicit contributions up to the limits imposed by~~
6 ~~Section 1.114(a) of this Chapter, but only the first \$100 will be counted as a qualifying~~
7 ~~contribution;~~

8 ~~(4)(3)~~ Be opposed by another candidate who has either established eligibility to
9 receive public financing, or received contributions or made expenditures which in the
10 aggregate equal or exceed \$5,000 ~~7,500~~;

11 ~~(5)(4)~~ Agree to the following conditions:

12 (A) The candidate bears the burden of proving that each contribution the
13 candidate relies upon to establish eligibility is a qualifying contribution;

14 (B) The candidate bears the burden of proving that expenditures made
15 with public funds provided under this Chapter comply with Section 1.148 of this
16 Chapter;

17 (C) The candidate shall not make qualified campaign expenditures which
18 in the aggregate exceed the expenditure limits specified in Section 1.130~~(d)~~ of
19 this Chapter, except as provided in Section 1.134 ~~1.146~~ of this Chapter; and

20 (D) The candidate shall agree to participate in at least one debate with
21 the candidate's opponents.

22 (b) ADJUSTMENT OF EXPENDITURE LIMITS AND THRESHOLDS.

23 Whenever the Ethics Commission pursuant to Section 1.130~~(f)~~ adjusts the voluntary
24 expenditure ceilings to reflect changes in the California Consumer Price Index, the
25 Commission is authorized to adjust the threshold limits in subsections (a)(~~23~~); and

1 ~~(a)(34) and (a)(4)(C)~~ of this Section, and ~~subsections (a)(1) and (a)(2)~~ of Section 1.152, to
2 ~~also~~ reflect changes in the California Consumer Price Index.

3
4 SEC. 1.142. PROCESS FOR ESTABLISHING ELIGIBILITY; CERTIFICATION BY
5 THE ETHICS COMMISSION.

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

13 (b) DECLARATION BY CANDIDATE. To become eligible to receive public
14 financing of campaign expenses under this Chapter, a candidate shall declare, under penalty
15 of perjury, that the candidate satisfies the requirements specified in Section 1.140. Candidates
16 shall submit the declaration and any supporting material required by the Ethics Commission to
17 the Ethics Commission on or after June 1 of the election year, but no later than the 70th day
18 before the election deadline for filing nomination papers with the Director of Elections. Once the
19 declaration and supporting material are submitted, they may not be amended. The declaration
20 and supporting material may be withdrawn and refiled, provided that the refiling is made no
21 later than the 70th day before the election deadline for filing nomination papers. If the deadline
22 imposed by this section falls on a Saturday, Sunday, or legal holiday, the deadline shall be the next
23 business day.

24 ~~(c)(b)~~ DETERMINATION OF ELIGIBILITY. The Executive Director of the Ethics
25 Commission shall review the candidate's declaration and supporting material to determine

1 whether the candidate is eligible to receive public funds under this Chapter. The Executive
2 Director may audit the candidate's records, interview contributors and take whatever steps the
3 Executive Director deems necessary to determine eligibility. At the request of the Executive
4 Director, the Controller shall assist in this review process.

5 ~~(d)(e)~~ Determination of Opposition. To determine whether a candidate is
6 opposed as required under Section 1.140(a)(3) of this Chapter, the Executive Director shall
7 review the material filed pursuant to Section 1.152~~(a)~~ of this Chapter, and may review any
8 other material.

9 ~~(e)(d)~~ CERTIFICATION. If the Executive Director determines that a candidate
10 has satisfied the requirements of Section 1.140, the Executive Director shall notify the
11 candidate and certify to the Controller that the candidate is eligible to receive public financing
12 under this Chapter. The Executive Director shall not certify that a candidate is eligible to
13 receive public financing if the candidate's declaration or supporting material is incomplete or
14 otherwise inadequate to establish eligibility. The Executive Director shall determine whether to
15 certify a candidate no later than 30 days after the date the candidate submits his or her
16 candidate declaration and supporting material.

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

23 If, after viewing resubmitted material, the Executive Director declines to certify
24 that a candidate is eligible to receive public financing under this Chapter, the Executive
25 Director shall notify the candidate of this fact. Additional resubmissions may be permitted in

1 the Executive Director's discretion. If the candidate fails to resubmit in the time specified by
2 the Executive Director, or if no further resubmissions are permitted, the Executive Director's
3 determination is final.

4 ~~(g)(f)~~ RECONSIDERATION. A candidate may request that the Executive
5 Director reconsider a final determination that the candidate is ineligible to receive public funds
6 under this Chapter. The candidate must request reconsideration in writing within five days of
7 the date of notification of ineligibility.

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

14
15 SEC. 1.144. DISBURSEMENT OF PUBLIC FUNDS.

16 (a) PAYMENT BY CONTROLLER. Upon certifying that a candidate is
17 eligible to receive public financing under this Chapter, the Executive Director shall forward the
18 certification to the Controller and the Controller shall disburse payments to the candidate from
19 the Election Campaign Fund in accordance with the certification and this Section.

20 (b) TIME OF PAYMENTS. The Controller shall not make any payments
21 under this Chapter until the day following the deadline for filing nomination papers with the
22 Director of Elections.

23 (c) PAYMENTS FOR GENERAL ELECTION EXPENSES. Upon certification
24 of eligibility, and in accordance with subsection (b) of this Section, the candidate shall receive
25 a payment of \$5,000 from the Election Campaign Fund. Thereafter, for each of the first

1 \$5,000 dollars of matching contributions raised by the candidate, the candidate shall receive
2 four dollars from the Election Campaign Fund. Thereafter, for each additional dollar of
3 matching contributions raised by the candidate, the candidate shall receive one dollar from the
4 Election Campaign Fund. The maximum amount of public funds a candidate may receive to
5 defray general election expenses under this Chapter is \$43,750. The amount of public funds
6 paid under this Section shall not be affected by the lifting of expenditure limits under Section
7 1.1341.146.

8 (d) PAYMENTS FOR RUN-OFF ELECTION EXPENSES. Each candidate
9 who is certified to receive public funds under this Chapter and who qualifies for a run-off
10 election shall receive a payment of \$5,000 from the Election Campaign Fund. Thereafter, for
11 each dollar of matching contributions raised by the candidate, the candidate shall receive four
12 dollars from the Election Campaign Fund. The maximum amount of public funds such
13 candidates may receive to defray run-off election expenses under this Chapter is \$17,000.
14 The amount of public funds paid under this Section shall not be affected by the lifting of
15 expenditure limits under Section 1.1341.146.

16 (e) PRORATION OF FUNDS. Notwithstanding subsections (c) and (d) of
17 this Section, if the ~~Ethics Commission~~ Executive Director makes an initial or the Ethics Commission
18 makes a final determination, pursuant to Section 1.154(b) of this Chapter, that funds in the
19 Election Campaign Fund are insufficient, the Executive Director or the Commission shall
20 distribute the money in the Fund on a pro rata basis to all candidates who are certified as
21 eligible to receive public funds.

22 (f) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT.
23 Candidates must deposit all payments received from the Election Campaign Fund in the
24 candidate's Campaign Contribution Trust Account.
25

1 (g) TERMINATION OF PAYMENTS. The Controller shall terminate all
2 payments to a candidate who is otherwise eligible to receive public financing if the candidate:

3 (1) withdraws or fails to qualify to have his or her name printed on the ballot
4 for the election for which the candidate applied for public financing;

5 (2) fails to comply with the conditions specified in Section 1.140 of this
6 Chapter; or

7 (3) fails to comply with any of the reporting requirements imposed by this
8 Chapter or the Political Reform Act, California Government Code Section 81000, et seq.

9
10 ~~SEC. 1.146. EXPENDITURE CEILINGS LIFTED - CANDIDATES FOR SUPERVISOR.~~

11 ~~(a) TRIGGER PROVISIONS.~~

12 ~~(1) Nonparticipating candidate. If a candidate who has not filed a declaration under Section~~
13 ~~1.142(a) of this Chapter, or who has received notice under Section 1.142 that the candidate is ineligible~~
14 ~~to receive public funds, receives contributions or makes qualified campaign expenditures in excess of~~
15 ~~100 percent of the applicable expenditure ceiling the applicable expenditure ceiling shall no longer be~~
16 ~~binding on any candidate running in the same supervisorial district.~~

17 ~~(2) Independent Expenditures. If a committee or committees in the aggregate make independent~~
18 ~~expenditures in support of or in opposition to a candidate in excess of 100 percent of the applicable~~
19 ~~expenditure ceiling, the applicable expenditure ceiling shall no longer be binding on any candidate~~
20 ~~running in the same supervisorial district as the candidate who was the subject of the independent~~
21 ~~expenditures that exceeded the ceiling.~~

22 ~~(b) NOTIFICATION. Within 24 hours of receiving notice, pursuant to Section 1.152 of this~~
23 ~~Chapter, that either of the trigger provisions in subsection (a) of this Section have been met, the Ethics~~
24 ~~Commission shall inform every candidate in the affected supervisorial district by certified mail that the~~
25 ~~expenditure ceilings have been lifted.~~

1 SEC. 1.148. RESTRICTIONS ON USE OF PUBLIC FUNDS; SURPLUS UNEXPENDED
2 PUBLIC FUNDS.

3 (a) USE FOR QUALIFIED CAMPAIGN EXPENDITURES ONLY. Candidates who
4 receive public financing may use the public funds solely to pay for qualified campaign
5 expenditures, as defined by Section 1.104 of this Chapter, and to repay loans used to pay for
6 qualified campaign expenditures. Candidates may not use public funds to pay for expenses
7 incurred in connection with an administrative or judicial proceeding.

8 Candidates may not use public funds to pay administrative, civil or criminal fines,
9 including late filing fines, or to pay for inaugural activities or officeholder expenses.

10 (b) PURCHASE OF EQUIPMENT. Any equipment purchased by a candidate with
11 public funds provided under this Chapter that has a useful life beyond the election campaign
12 for which the funds were provided, and a fair market value exceeding \$100, becomes City and
13 County property on the day following the date the candidate is elected or not elected to office.

14 (c) WITHDRAWAL OR FAILURE TO QUALIFY. Any candidate who receives public
15 financing but who withdraws or fails to qualify to have his or her name printed on the ballot in
16 the election for which the public funds were provided shall repay the Election Campaign Fund
17 the full sum received from the Fund.

18 (d) SURPLUS UNEXPENDED PUBLIC FUNDS.

19 (i) General. Any candidate who receives public financing and who has surplus
20 unexpended public funds shall, no later than 30 days after the date the funds become surplus,
21 pay to the City and County of San Francisco and deliver to the Ethics Commission those funds
22 for deposit those funds in the Election Campaign Fund no later than 30 days after the Ethics
23 Commission completes its audit of the candidate. Unexpended funds may be used to pay for
24 qualified campaign expenditures until the Ethics Commission completes its audit of the
25 candidate.

1 (ii) Definition. For purposes of this section, unexpended public funds shall mean all
2 funds remaining in the candidate's account on the 30th day after the candidate is elected or not
3 elected to office, regardless of the source of the funds, but shall not exceed the amount of public
4 funds provided to the candidate. Funds raised after this date do not constitute unexpended
5 funds and may be used for any lawful purpose.

6
7 SEC. 1.150. AUDIT; REPAYMENT.

8 (a) AUDIT. The Ethics Commission shall audit all candidates who receive public
9 financing under this Chapter. At the request of the Executive Director, the Controller shall
10 assist in conducting these audits.

11 (b) REPAYMENT. If the Ethics Commission determines that any portion of the
12 payments made to a candidate from the Election Campaign Fund exceeded the aggregate
13 amount of payments to which the candidate was entitled under this Chapter, the Commission
14 shall notify the Controller and the candidate. In addition to any other penalties, the ~~The~~ candidate
15 shall pay to the City and County of San Francisco, and deliver to the Ethics Commission Controller
16 an amount equal to the amount of the excess payments. ~~In addition, and~~ if the Commission
17 determines that any amount of any payment made to a candidate from the Election Campaign
18 Fund was used for something other than qualified campaign expenditures, the candidate shall
19 pay to the Ethics Commission Controller an amount equal to the improper expenditure. All
20 payments ~~delivered to received by the~~ Ethics Commission Controller under this Section shall be
21 deposited in the Election Campaign Fund.

1 SEC. 1.152. SUPPLEMENTAL REPORTING IN ELECTIONS FOR BOARD OF
2 SUPERVISORS.

3 In addition to the campaign disclosure requirements imposed by the California Political
4 Reform Act and other provisions of this Chapter, ~~the following disclosure requirements shall~~
5 ~~apply:~~

6 ~~(a) REPORTING BY CANDIDATES WHO DO NOT RECEIVE PUBLIC FUNDS.~~

7 ~~(1) GENERAL. No later than the deadline for filing nomination papers with the Director of~~
8 ~~Elections, each candidate who has not filed a statement indicating that he or she does not intend to~~
9 ~~participate in the public financing program a declaration under Section 1.142(a) of this Chapter or~~
10 ~~who has received notice under Section 1.142 that the candidate is ineligible to receive public~~
11 ~~funds under this Chapter shall, no later than the deadline for filing nomination papers, file a~~
12 ~~statement with the Ethics Commission indicating whether the nonparticipating candidate has~~
13 ~~received contributions, made expenditures or has funds in his or her campaign trust account~~
14 ~~that in the aggregate equal or exceed \$5,0007,500. The statement shall also indicate whether the~~
15 ~~nonparticipating candidate accepts or declines to accept agrees to limit his or her qualified campaign~~
16 ~~expenditures to the expenditure ceilings as provided in Section 1.128.~~

17 ~~(2) AFTER DEADLINE. If the nonparticipating candidate first reaches or exceeds the~~
18 ~~\$5,0007,500 threshold in subsection (a)(1) of this Section after the deadline for filing nomination~~
19 ~~papers, or receives notice of ineligibility to receive public funds after that date, the~~
20 ~~nonparticipating candidate shall, within 24 hours of reaching or exceeding the threshold or~~
21 ~~receiving notice of ineligibility, file a statement indicating this fact with the Ethics Commission.~~
22 ~~The supplemental reports are not required if no candidate in a race seeks public financing.~~

23 ~~(3) TRIGGER REPORTING. If the nonparticipating candidate receives contributions, makes~~
24 ~~expenditures or has funds in his or her campaign trust account that exceed 75 percent of the applicable~~
25 ~~expenditure ceiling, the nonparticipating candidate shall, within 24 hours of reaching that level, file a~~

1 ~~statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that~~
2 ~~fact and any additional information required by the Ethics Commission. Thereafter, the~~
3 ~~nonparticipating candidate shall file a supplemental statement with the Ethics Commission within 24~~
4 ~~hours of receiving contributions or making expenditures or having funds in his trust account that equal~~
5 ~~or exceed 100 percent of the applicable expenditure ceiling.~~

6 ~~(b) SUPPLEMENTAL REPORTING BY COMMITTEES.~~

7 ~~(1) GENERAL. Except as provided in Section 81009.5(b) of the California Government Code,~~
8 ~~any committee that makes contributions or independent expenditures totaling \$500 or more in a~~
9 ~~calendar month during the six months immediately preceding an election, to support or oppose a~~
10 ~~candidate for City elective office at that election, shall disclose, prior to the date of the election, all~~
11 ~~contributions and loans received and all expenditures made. The Ethics Commission shall prescribe~~
12 ~~the form, content and filing deadlines for these statements. The Ethics Commission may require that~~
13 ~~these statements be filed electronically.~~

14 ~~(2) TRIGGER REPORTING. Except as provided in Section 81009.5(b) of the California~~
15 ~~Government Code, any committee that makes independent expenditures in support of or in opposition~~
16 ~~to a candidate that equal or exceed five percent of the applicable expenditure ceiling shall, within 24~~
17 ~~hours of reaching this threshold, file a statement with the Ethics Commission, on forms to be provided~~
18 ~~by the Ethics Commission, stating that fact and any additional information required by the Ethics~~
19 ~~Commission. Thereafter, any such committee shall file a supplemental statement with the Ethics~~
20 ~~Commission each time the committee makes independent expenditures in support of or in opposition to~~
21 ~~the candidate which equal or exceed an additional five percent of the applicable expenditure ceiling.~~
22 ~~The supplemental statements shall be filed within 24 hours of reaching these spending thresholds.~~

1 SEC. 1.154. INSUFFICIENT FUNDS IN ELECTION CAMPAIGN FUND.

2 (a) REPORT BY CONTROLLER. At the request of the Ethics Commission,
3 the Controller shall provide a statement of the total amount of funds in the Election Campaign
4 Fund.

5 (b) ~~FINAL DETERMINATION.~~ Within 24 hours of the deadline for filing
6 nomination papers, the Executive Director shall notify the Controller whether the amount in the
7 Election Campaign Fund is sufficient to fund all candidates who have filed a notice of intent to
8 participate in the public financing program and who may be eligible to receive public financing. No
9 later than ~~15-60 days after the before the election deadline for filing nomination papers with the~~
10 ~~Department of Elections,~~ the Ethics Commission shall make a final determination whether the
11 amount in the Election Campaign Fund is sufficient to fund all candidates for the Board of
12 Supervisors who may be eligible to receive public financing for their election campaigns under
13 this Chapter. If the ~~Commission's~~ Executive Director's initial or the Commission's final
14 determination is that the amount in the Fund is insufficient, the Executive Director or the
15 Commission shall distribute the money in the Fund on a pro rata basis to all candidates who
16 are certified as eligible to receive public funds. Notwithstanding an initial determination that the
17 funds are insufficient and the distribution of some funds on a pro rata basis, if the Commission makes a
18 final determination that there are sufficient funds for all eligible candidates, the Commission may
19 distribute the full amount of funds to eligible candidates.

20
21 SEC. 1.162. INDEPENDENT EXPENDITURES FOR MASS MAILINGS, ~~SLATE~~
22 MAILINGS OR OTHER CAMPAIGN LITERATURE.

23 Any person who makes independent expenditures for a mass mailing, ~~slate mailing or~~
24 ~~other campaign materials~~ which support or oppose any candidate for City elective office shall
25 place the following statement on the mailing ~~or materials~~ in typeface no smaller than 14 points:

1 Notice to Voters

2 (Required by City and County of San Francisco)

3 his mailing is not authorized or approved
4 by any candidate for City and County office
5 or by any election official.

6 It is paid for by (name and committee
7 identification number). (address, city, state).

8 Total cost of this mailing is (amount).

9
10 SEC. 1.163. DISCLOSURE REQUIREMENTS - RECORDED TELEPHONE
11 MESSAGES.

12 Any recorded telephone message *distributed to 500 or more individuals or households*
13 must include the following statement: "paid for by _____ (insert name of person who paid
14 for the recorded telephone message)." Statements required pursuant to this section shall be
15 audible and played at the same volume and speed as the rest of the recorded telephone
16 message. *Any person paying for a recorded telephone message must maintain a transcript of the*
17 *message and a record of the number of distributed calls for each message.*

18
19 SEC. 1.164. DUTIES OF ETHICS COMMISSION.

20 In addition to other duties required under the Charter and the terms of this Chapter, the
21 Ethics Commission shall:

22 (a) Prepare and publish written instructions explaining the duties of persons,
23 candidates and committees under this Chapter.

1 (b) Determine whether required statements and declarations have been filed with the
2 Ethics Commission, and, if so, whether they conform on their face with the requirements of
3 this Chapter.

4 (c) Notify promptly all persons, candidates and committees known to the Ethics
5 Commission who have failed to file a statement in the form and at the time required by State
6 and local law, Section 1.106 hereof.

7 (d) Report apparent violations of this Chapter to the District Attorney.

8 (e) Compile and maintain a current list of all statements or parts of statements filed with
9 the Ethics Commission pertaining to each candidate and each measure.

10 (f) Cooperate with the District Attorney and the City Attorney in the performance of their
11 duties of the District Attorney as they are related to this Chapter.

12 (g) Enforce or cause to be enforced the provisions of this Chapter.

13 (h) Prepare and publish adequate procedures to notify all persons, candidates and
14 committees in advance relative to filing dates and forms required by State and local law-Section
15 1.106 hereof.

16
17 **SEC. 1.168. ENFORCEMENT; ADVICE.**

18 (a) ENFORCEMENT-GENERAL PROVISIONS. Any person who believes that a
19 violation of this Chapter has occurred may file a complaint with the Ethics Commission, City
20 Attorney or District Attorney. The Ethics Commission shall investigate such complaints
21 pursuant to Charter Section C3.699-13 and its implementing regulations. The City Attorney
22 and District Attorney shall investigate, and shall have such investigative powers as are
23 necessary for the performance of their duties under this Chapter.

24 (b) ENFORCEMENT-CIVIL ACTIONS. The City Attorney, or any voter, may bring a civil
25 action to enjoin violations of or compel compliance with the provisions of this Chapter. No civil

1 action alleging a violation of the provisions of this Chapter shall be filed more than four years
2 after the date the cause of action accrued or the date that the facts constituting the cause of
3 action were discovered by the civil prosecutor, whichever is later. No voter may commence
4 an action under this subsection without first providing written notice to the City Attorney of
5 intent to commence an action. The notice shall include a statement of the grounds for
6 believing a cause of action exists. The voter shall deliver the notice to the City Attorney at
7 least sixty days in advance of filing an action. No voter may commence an action under this
8 subsection if the Ethics Commission has issued a finding of probable cause that the
9 defendant violated the provisions of this Chapter, or if the City Attorney or District Attorney
10 has commenced a civil or criminal action against the defendant, or if another voter has filed a
11 civil action against the defendant under this subsection. A Court may award reasonable
12 attorney's fees and costs to any voter who obtains injunctive relief under this subsection. If
13 the Court finds that an action brought by a voter under this subsection is frivolous, the Court
14 may award the defendant reasonable attorney's fees and costs.

15 (c) ADVICE. Any person may request advice from the Ethics Commission or City
16 Attorney with respect to any provision of this Chapter. The Ethics Commission shall provide
17 advice pursuant to Charter Section C3.699-12. The City Attorney shall within 14 days of the
18 receipt of said written request provide the advice in writing or advise the person who made the
19 request that no opinion will be issued. The City Attorney shall send a copy of said request to
20 the District Attorney upon its receipt. The City Attorney shall within nine days from the date of
21 the receipt of said written request send a copy of his or her proposed opinion to the District
22 Attorney. The District Attorney shall within four days inform the City Attorney whether he or
23 she agrees with said advice, or state the basis for his or her disagreement with the proposed
24 advice. No person other than the City Attorney who acts in good faith on the advice of the
25 City Attorney shall be subject to criminal or civil penalties for so acting; provided that, the

1 material facts are stated in the request for advice and the acts complained of were committed
2 *either in reliance on the advice, or because of the failure of the City Attorney to provide advice*
3 *within 14 days of the request or such later extended time.*

4
5 SEC. 1.170. PENALTIES.

6 (a) ~~GENERAL PROVISIONS-CRIMINAL~~. Any person who knowingly or willfully violates
7 any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof
8 shall be punished by a fine of not more than \$5,000 for each violation ~~\$500~~ or by imprisonment
9 in the County jail for a period of not more than six months or by both such fine and
10 imprisonment; provided, however, that any willful or knowing failure to report contributions or
11 expenditures done with intent to mislead or deceive or any willful or knowing violation of the
12 provisions of Section 1.114 of this Chapter shall be punishable by fine of not less than \$5,000
13 for each violation ~~\$500~~ or three times the amount not reported or the amount received in
14 excess of the amount allowable pursuant to Section 1.114 of this Chapter, or three times the
15 amount expended in excess of the amount allowable pursuant to Section 1.130, whichever is
16 greater.

17 (b) ~~GENERAL PROVISIONS-CIVIL~~. Any person who intentionally or negligently violates
18 any of the ~~reporting requirements or contribution or expenditure limitations set forth in provisions of~~
19 this Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to
20 \$5,000 for each violation ~~\$500~~ or three times the amount not reported or the amount received in
21 excess of the amount allowable pursuant to Section 1.114 or three times the amount
22 expended in excess of the amount allowable pursuant to Section 1.130, whichever is greater.

23 (c) ADMINISTRATIVE. Any person who intentionally or negligently violates any of the
24 provisions of this Chapter shall be liable in an administrative proceeding before the Ethics Commission
25 held pursuant to the Charter for an amount up to \$5,000 for each violation, or three times the amount

1 not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 or
2 three times the amount expended in excess of the amount allowable pursuant to Section 1.130,
3 whichever is greater.

4 ~~(d)(e)~~ MISUSE OF PUBLIC FUNDS. Any person who willfully or knowingly uses public
5 funds, paid pursuant to this Chapter, for any purpose other than the purposes authorized by
6 this Chapter shall be subject to the penalties provided in this section. ~~guilty of a misdemeanor and~~
7 ~~punishable by a fine of not less than \$500, or an amount not more than \$5,000 or the amount three~~
8 ~~times the amount improperly spent, whichever is greater, or by imprisonment in the County jail for a~~
9 ~~period of not more than six months, or by both such fine and imprisonment. Any person who willfully,~~
10 ~~knowingly or negligently uses public funds for any purpose other than the purposes authorized by this~~
11 ~~Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to \$5,000 or an~~
12 ~~amount of three times the amount improperly spent, whichever is greater.~~

13 ~~(e)(d)~~ PROVISION OF FALSE OR MISLEADING INFORMATION TO THE ETHICS
14 COMMISSION, WITHHOLDING OF INFORMATION. Any person who knowingly or willfully
15 furnishes false or fraudulent evidence, documents, or information to the Ethics Commission
16 under this Chapter, or misrepresents any material fact, or conceals any evidence, documents,
17 or information ~~relevant to certification of eligibility for public financing or to an audit~~, or fails to
18 furnish to the Ethics Commission any records, documents, or other information required to be
19 provided under this Chapter shall be subject to the penalties provided in this section. ~~guilty of a~~
20 ~~misdemeanor and upon conviction thereof shall be punished by a fine of up to \$5,000, or by~~
21 ~~imprisonment in the County jail for a period of not more than six months, or by both such fine and~~
22 ~~imprisonment.~~

23 ~~(e)~~ DEPOSIT IN THE ELECTION CAMPAIGN FUND. ~~All fines paid pursuant to subsections~~
24 ~~(e) or (d) of this Section are to be deposited in the Election Campaign Fund of the City and County of~~
25 ~~San Francisco.~~

1 (f) PERSONAL LIABILITY. Candidates and treasurers are responsible for complying with this
2 Chapter and may be held personally liable for violations by their committees.

3 (g) JOINT AND SEVERAL LIABILITY. If two or more persons are responsible for any
4 violation of this Chapter, they shall be jointly and severally liable.

5 (h) EFFECT OF VIOLATION ON OUTCOME OF ELECTION.

6 If a candidate is convicted of a violation of this Chapter at any time prior to his or her election
7 his or her candidacy shall be terminated immediately and he or she shall be no longer eligible for
8 election, unless the court at the time of sentencing specifically determines that this provision shall not
9 be applicable. No person convicted of a misdemeanor under this Chapter after his or her election shall
10 be a candidate for any other City elective office for a period of five years following the date of the
11 conviction unless the court shall at the time of sentencing specifically determine that this provision
12 shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this
13 Section.

14 ~~SEC. 1.172. EFFECT OF VIOLATION ON OUTCOME OF ELECTION.~~

15 ~~If a candidate is convicted of a violation of this Chapter at any time prior to his or her election~~
16 ~~his or her candidacy shall be terminated immediately and he or she shall be no longer eligible for~~
17 ~~election, unless the court at the time of sentencing specifically determines that this provision shall not~~
18 ~~be applicable. No person convicted of a misdemeanor under this Chapter after his or her election shall~~
19 ~~be a candidate for any other City and County office for a period of five years following the date of the~~
20 ~~conviction unless the court shall at the time of sentencing specifically determine that this provision~~
21 ~~shall not be applicable. A plea of nolo contendere shall be deemed a conviction for purposes of this~~
22 ~~Section.~~



City and County of San Francisco

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

Tails

Ordinance

File Number: 030034

Date Passed:

Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct Code by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate definitions; amending section 1.106 to clarify that State law is incorporated; amending section 1.108 to clarify that it applies only to candidates; amending section 1.110 to provide the Ethics Commission discretion to provide additional office hours prior to an election and to conform to minimum state law record retention periods; amending section 1.114 to apply contribution limits to affiliated entity contributions, to authorize the Ethics Commission to determine when contributions must be returned and to reduce or waive forfeiture penalties, and to clarify that limits apply to special elections; amending section 1.116 to extend loan limitations to candidates for all City elective offices and to authorize the Commission to adjust these amounts; amending section 1.122 to clarify that campaign funds may be used for officeholder expenses, to provide that certain surplus funds may be donated to charity, and that contributions transferred between a candidate's committees must be attributed to specific contributors; deleting section 1.124 on money laundering because the ordinance already incorporates state law provisions; amending section 1.126 to extend the time period city contractors are prohibited from making contributions to public officials who approve their contracts; amending section 1.128 to provide a penalty for violating an agreement to limit campaign spending; amending section 1.130 to clarify that expenditure ceilings apply in special elections and to reflect that spending limits have been adjusted for inflation; amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section 1.135 to consolidate and harmonize provisions on lifting the spending limits; amending section 1.140 to correct cross-references, to require that candidates file a statement of intent to participate in public financing, to lower to \$5,000 the threshold for qualifying for public financing, and to provide additional time for qualifying for public financing, amending section 1.142 to require filing of statement of intent to participate in public financing program; amending section 1.150 to provide that repayment of public funds shall be made to the Ethics Commission, rather than the Controller, for deposit in the Election Campaign Fund; amending section 1.152 to conform language to other amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics Commission to determine whether pro-rata is required; amending section 1.162 to clarify that the notice provision applies only to mass mailings; amending section 1.163 to require recordkeeping for recorded telephone messages; amending section 1.164 to clarify references; amending section 1.168 to eliminate language suggesting that persons can obtain immunity if they do not receive a response to a request for advice within a specified period of time; amending section 1.170 to increase the penalties for violations of the Ordinance to \$5,000, to incorporate penalties described in section 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and amending section 1.174 to clarify that the department of elections shall decline to certify a nomination if a candidate fails to file a statement regarding acceptance or rejection of spending limits.

June 10, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 1 - Ammiano

June 17, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin,
Sandoval

Excused: 1 - McGoldrick

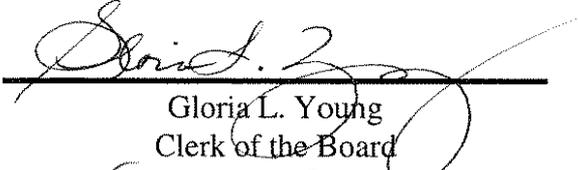
File No. 030034

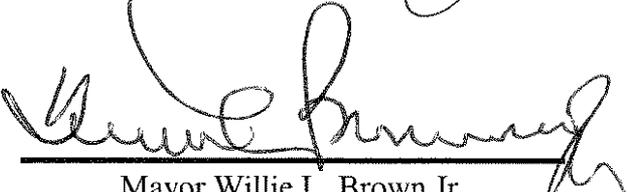
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on June 17, 2003 by
the Board of Supervisors of the City and
County of San Francisco.

10/27/03 10:00 AM

JUN 27 2003

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.