

1 [Increase Lobbyist Fees and Late Filing Fines.]

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3 **Ordinance amending the San Francisco Lobbyist Ordinance, Article II, Chapter 1,**
4 **sections 2.110 and 2.145 of the San Francisco Campaign and Governmental Conduct**
5 **Code, to increase registration fees from \$300.00 to \$500.00; client fees from \$50.00 to**
6 **\$75.00; and late filing fines from \$25.00 per day to \$50.00 per day.**

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

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

11 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
12 amended by amending Section 2.110, to read as follows:

13 SEC. 2.110. REGISTRATION OF LOBBYISTS REQUIRED; REGISTRATION,
14 REREGISTRATION, QUARTERLY REPORTS; FEES; CLIENT AUTHORIZATION;
15 TERMINATION.

16 (a) REGISTRATION OF LOBBYISTS REQUIRED. No person who qualifies
17 as a contract or business or organization lobbyist shall contact any officer of the City and
18 County, and no person who qualifies as an expenditure lobbyist shall make payments to
19 influence local legislative or administrative action, without first registering with the Ethics
20 Commission and complying with the disclosure requirements imposed by this Chapter.

21 (b) REGISTRATION REPORTS. At the time of initial registration each filer
22 shall report to the Ethics Commission the following information:

- 23 (1) The name, business address and business phone number of the filer;
- 24 (2) If the filer is a contract lobbyist, the filer shall also report the following:

25

- 1 (A) If the filer is an entity, the name of each individual who is an owner,
2 partner or officer of the filer as follows:
- 3 (i) If the filer is a sole proprietorship, list the name of the sole proprietor;
4 (ii) If the filer is a corporation, however organized, list the name of each
5 officer;
6 (iii) If the filer is a partnership, however organized, and if the partnership has
7 10 or more partners, list the name of the partnership; or
8 (iv) If the filer is a partnership, however organized, and if the partnership has
9 fewer than 10 partners, list the name of each partner.
- 10 (B) If the filer is an individual, the name of the filer's employer and a
11 description of the employer's business activity;
- 12 (C) The name of each person employed or retained by the filer, at the time of
13 filing or at any time during the two months immediately preceding filing, to contact officers of
14 the City and County;
- 15 (D) The name, address, and telephone number of each current client and
16 each client on whose behalf the filer provided lobbyist services during the preceding two
17 months;
- 18 (E) The total economic consideration promised by or received from clients
19 during the preceding two months in exchange for lobbyist services;
- 20 (F) The total number of contacts with officers of the City and County made
21 during the preceding two months; and
- 22 (G) For each current client, and each client on whose behalf the filer provided
23 lobbyist services during the preceding two months, describe the local legislative or
24 administrative action the filer was retained to influence, and the outcome sought by the filer.
25

1 (3) If the filer is a business or organization lobbyist, the filer shall also report
2 the following:

3 (A) A description of the nature and purpose of the business or organization,
4 including a statement indicating whether the filer is an industry, trade or professional
5 association;

6 (B) The name of each employee or member of the business or organization
7 authorized to contact officers of the City and County on behalf of the business or organization;

8 (C) The total amount of payments to influence local legislative or
9 administrative action made by the filer during the preceding two months;

10 (D) The total number of contacts with officers of the City and County, made
11 on behalf of the filer by the filer's employees or members during the preceding two months;
12 and

13 (E) A description of each local legislative or administrative action the filer
14 seeks to influence or sought to influence during the preceding two months; and the outcome
15 sought by the filer.

16 (4) If the filer is an expenditure lobbyist, the filer shall also report the
17 following:

18 (A) If the filer is an entity, a description of the nature and purpose of the
19 entity, and the name of each individual who is an owner, partner or officer of the filer as
20 follows:

21 (i) If the filer is a sole proprietorship, list the name of the sole proprietor;

22 (ii) If the filer is a corporation, however organized, list the name of each
23 officer;

24 (iii) If the filer is a partnership, however organized, and if the partnership has
25 10 or more partners, list the name of the partnership; or

1 (iv) If the filer is a partnership, however organized, and if the partnership has
2 fewer than 10 partners, list the name of each partner.

3 (B) If the filer is an individual, the name and address of the filer's employer, if
4 any, or his or her principal place of business if the filer is self-employed, and a description of
5 the business activity in which the filer or his or her employer is engaged;

6 (C) The total amount of payments to influence local legislative or
7 administrative action made during the preceding two months; and

8 (D) A description of each local legislative or administrative action the filer
9 seeks to influence or sought to influence during the preceding two months, and the outcome
10 sought by the filer.

11 (5) All political contributions of \$100 or more made or delivered by the filer, or
12 made by a client at the behest of the filer, during the preceding two months in support of or in
13 opposition to an officer of the City and County, a candidate for such office, a committee
14 controlled by such officer or candidate, or a committee primarily formed to support or oppose
15 such officer or candidate, or any committee primarily formed to support or oppose a ballot
16 measure to be voted on only in San Francisco. This report shall include all political
17 contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or
18 intermediary.

19 (6) Any other information required by the Ethics Commission consistent with
20 the purposes and provisions of this Chapter.

21 (7) No lobbyist shall be required to report activities described in Subsection
22 (d)(1) of Section 2.105, other than Subsections (d)(1)(C), (L) and (P) of Section 2.105.

23 (c) REREGISTRATION REPORTS. Each lobbyist shall reregister annually
24 no later than January 15. The reregistration report must include the date of the most recent
25 lobbyist workshop (as described in Section 2.140(j) of this Chapter) attended by the lobbyist.

1 (d) QUARTERLY REPORTS OF LOBBYIST ACTIVITY. Each lobbyist shall
2 file with the Ethics Commission quarterly reports containing the information specified in this
3 subsection. The quarterly report for the period starting January 1st and ending March 31st
4 shall be filed no later than April 15th; the quarterly report for the period starting April 1st and
5 ending June 30th shall be filed no later than July 15th; the quarterly report for the period
6 starting July 1st and ending September 30th shall be filed no later than October 15th; and the
7 quarterly report for the period starting October 1st and ending December 31st shall be filed no
8 later than January 15th. Quarterly reports shall include the following information:

9 (1) All activity expenses incurred by the filer during the reporting period,
10 including the following information:

11 (A) The date and amount of each activity expense;

12 (B) The full name and official position, if any, of the beneficiary of each
13 activity expense, a description of the benefit, and the amount of the benefit;

14 (C) The full name of the payee of each activity expense if other than the
15 beneficiary;

16 (D) Whenever a filer is required to report a salary of an individual pursuant to
17 this subsection, the filer need only disclose whether the total salary payments made to the
18 individual during the reporting period was less than or equal to \$250, greater than \$250 but
19 less than or equal to \$1,000, greater than \$1,000 but less than or equal to \$10,000, or greater
20 than \$10,000.

21 (2) All political contributions of \$100 or more made or delivered by the filer, or
22 made by a client at the behest of the filer during the reporting period to an officer of the City
23 and County, a candidate for such office, a committee controlled by such officer or candidate,
24 or a committee primarily formed to support or oppose such officer or candidate, or any
25 committee primarily formed to support or oppose a ballot measure to be voted on only in San

1 Francisco. This report shall include all political contributions arranged by the lobbyist, or for
2 which the lobbyist acted as an agent or intermediary.

3 (3) If the filer is a contract lobbyist, the filer shall also report the following:

4 (A) The name of each person employed or retained by the filer during the
5 reporting period to contract officers of the City and County;

6 (B) The name, address, and telephone number of each client on whose
7 behalf the filer provided lobbyist service during the reporting period;

8 (C) The total economic consideration promised by or received from clients
9 during the reporting period in exchange for lobbyist services;

10 (D) The name and title, if applicable, of each officer and department of the
11 City and County contacted by the filer during the reporting period;

12 (E) For each client, describe the local legislative or administrative action the
13 filer was retained to influence and the outcome sought by the filer; and

14 (F) For each client, describe the lobbyist services provided for which
15 economic consideration was received from or promised by the client.

16 (4) If the filer is a business or organization lobbyist, the filer shall also report
17 the following:

18 (A) The name of each employee or member of the business or organization
19 authorized to contact officers of the City and County, during the reporting period, on behalf of
20 the business or organization;

21 (B) The total amount of payments to influence local legislative or
22 administrative action made by the filer during the reporting period;

23 (C) The name and title, if applicable, of each officer and department of the
24 City and County contacted by the filer's employees or members during the reporting period;
25 and

1 (D) A description of each local legislative or administrative action the filer
2 sought to influence during the reporting period, and the outcome sought by the filer.

3 (5) If the filer is an expenditure lobbyist, the filer shall also report the
4 following:

5 (A) The total amount of payments to influence local legislative or
6 administrative action made during the reporting period; and

7 (B) A description of each local legislative or administrative action the filer
8 sought to influence during the reporting period, and the outcome sought by the filer.

9 (6) Each City and County contract awarded to the filer during the reporting
10 period. For purposes of this subsection, the term "contract" means a contract for: the
11 rendition of personal services; the furnishing of any material, supplies or equipment to or from
12 the City, whether by purchase or lease; the sale or lease of land or buildings to or by the City,
13 or the financing of the same.

14 (7) Payments made by City and County officers to the filer during the
15 reporting period, provided that the payment is made in exchange for "campaign consulting
16 services," as defined in Section 1.505 of this Code, and provided that the filer contacted the
17 officer within one year of the date of payment. The required disclosure of payments under this
18 Subsection shall not apply to information that is privileged under State law.

19 (8) The name of each officer of the City and County who is employed or
20 retained by the filer, or by a client of the filer at the behest of the filer, at any time during the
21 reporting period.

22 (9) Any other information required by the Ethics Commission consistent with
23 the purposes and provisions of this Chapter.

24 (10) No lobbyist shall be required to report activities described in Subsection
25 (d)(1) of Section 2.105, other than Subsection (d)(1)(C), (L) and (P) of Section 2.105.

1 (e) FEES.

2 (1) At the time of registration or reregistration; each lobbyist shall pay a fee of
3 ~~\$500~~~~\$300~~. The Ethics Commission shall prorate the fee by calendar quarter.

4 (2) In addition, at the time of registration and reregistration, contract lobbyists
5 shall pay a fee of ~~\$75~~~~\$50~~ for each current client. When a contract lobbyist is retained by a
6 client subsequent to registration, payment of the ~~\$75~~~~\$50~~ fee shall accompany the filing of the
7 information required in Subsection (f) of this Section. The Ethics Commission shall prorate
8 these fees by calendar quarter.

9 (3) The Ethics Commission shall waive all registration and client fees for any
10 organization presenting proof of its tax-exempt status under 26 U.S.C. 501(c)(3) or 501(c)(4).

11 (4) The Ethics Commission shall deposit all fees collected pursuant to this
12 Section in the General Fund of the City and County of San Francisco.

13 (f) CLIENT AUTHORIZATION STATEMENTS. At the time of initial
14 registration, each contract lobbyist shall submit to the Ethics Commission a written
15 authorization from each client. The client authorization statement shall be signed by both the
16 contract lobbyist and the client.

17 If the lobbyist is retained by a client after the date of initial registration, the
18 lobbyist shall file a client authorization statement before providing any lobbyist services to the
19 client, and before receiving any economic consideration from the client in exchange for such
20 lobbyist services, and in any event no later than 15 days after being retained by the client.
21 The lobbyist is not required to amend previously filed registration, reregistration or quarterly
22 reports to include a client who retains the services of the lobbyist after the time the report was
23 filed.

24 If the lobbyist is retained by a client after the date of initial registration, the
25 lobbyist may submit a copy of the client authorization statement by facsimile machine. The

1 client authorization statement shall be deemed to be timely filed only if the facsimile copy is
2 received no later than the filing deadline, and within 15 days of the filing deadline the original
3 document is received by the Ethics Commission, and the original document is identical in all
4 respects to the facsimile copy.

5 The lobbyist is not required to resubmit client authorization statements at the
6 time of reregistration.

7 (g) CLIENT TERMINATION STATEMENTS. Within 15 days after a client
8 terminates the services of a contract lobbyist, the lobbyist shall submit to the Ethics
9 Commission a statement that the client has terminated the services of the lobbyist. The client
10 termination statement shall be signed by the contract lobbyist. A contract lobbyist may not
11 provide lobbyist services to a client after a client termination statement is filed, until a new
12 client authorization statement has been filed pursuant to Subsection (f) of this Section.

13 (h) LOBBYIST TERMINATION STATEMENTS. Once a person qualifies as a
14 "lobbyist" under this Chapter, the person shall be subject to all registration, reporting and other
15 requirements and prohibitions imposed by this Chapter until the person ceases all lobbyist
16 activity and files a lobbyist termination statement with the Ethics Commission pursuant to this
17 subsection, regardless of whether the person continues to meet the activity thresholds
18 established in Section 2.105(i). A lobbyist termination statement shall include all information
19 required by Subsection (d) of this Section for the period starting with the first day of the
20 calendar quarter and ending with the date of termination. A lobbyist termination statement
21 shall be filed no later than 30 days after the date the lobbyist ceased all lobbyist activity.
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23 Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby
24 amended by amending Section 2.145, to read as follows:

25 SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

1 (a) If any lobbyist files an original statement or report after any deadline
2 imposed by this Chapter, the Ethics Commission shall, in addition to any other penalties or
3 remedies established in this Chapter, fine the lobbyist ~~\$50~~^{\$25} per day after the deadline until
4 the statement or report is received by the Ethics Commission. The Ethics Commission may
5 reduce or waive a fine if the Commission determines that the late filing was not willful and that
6 enforcement will not further the purposes of this Chapter. The Ethics Commission shall
7 deposit funds collected under this Section in the General Fund of the City and County of San
8 Francisco.

9 (b) Any person who believes that the provisions of this Chapter have been
10 violated may file a complaint with the Ethics Commission. Upon receipt of a complaint, or
11 upon its own initiative, the Commission may investigate alleged violations of this Chapter and
12 may enforce the provisions of this Chapter pursuant to Charter Section C3.699-13 and to the
13 Commissioner's rules and regulations adopted pursuant to Charter Section C3.699-9.

14 (c) Any person or entity which knowingly or negligently violates this Chapter
15 may be liable in a civil action brought by the City Attorney for an amount up to \$1,000 per
16 violation, or three times the amount not properly reported, or three times the amount given or
17 received in excess of the gift limit, whichever is greater.

18 (d) In investigating any alleged violation of this Chapter the Ethics
19 Commission and City Attorney shall have the power to inspect, upon reasonable notice, all
20 documents required to be maintained under this Chapter. This power to inspect documents is
21 in addition to other powers conferred on the Ethics Commission and City Attorney by the
22 Charter or by ordinance, including the power of subpoena.

23 (e) Should two or more persons be responsible for any violation under this
24 Chapter, they shall be jointly and severally liable.

1 (f) The City Attorney may also bring an action to revoke for up to one year
2 the registration of any lobbyist who has knowingly violated this Chapter.

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

6 By: _____
7 Chad A. Jacobs
8 Deputy City Attorney

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