

1 [Campaign Finance Reform Amendments of 2005.]

2

3 **Ordinance amending the Campaign and Governmental Conduct Code by adding a new**

4 **Section 1.103, amending Sections 1.100, 1.104, 1.112, 1.114, 1.120, 1.128, 1.130, 1.134,**

5 **1.144, 1.152, 1.168, and 1.170, repealing Section 1.118, and repealing Chapter 3 of**

6 **Article 1, Sections 1.300, 1.305, 1.310, 1.312, 1.315 and 1.320 to: (1) make technical**

7 **changes including the correction of grammatical or reference errors and the reordering**

8 **of Sections; (2) conform the Campaign Finance Reform Ordinance to the adoption of**

9 **Ranked Choice Voting; (3) move the Electronic Filing Ordinance from Chapter 3 of**

10 **Article 1 of the Campaign and Governmental Conduct Code to the Campaign Finance**

11 **Reform Ordinance; and (4) expressly set forth a statute of limitations for criminal, civil,**

12 **administrative and collection actions brought under the Campaign Finance Reform**

13 **Ordinance.**

14 Note: Additions are single-underline italics Times New Roman;

15 deletions are ~~strikethrough italics Times New Roman~~.

16 Board amendment additions are double underlined.

Board amendment deletions are ~~strikethrough normal~~.

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

18 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby

19 amended by adding a new Section 1.103 and amending Sections 1.100, 1.104, 1.112, 1.114,

20 1.118, 1.120, 1.128, 1.130, 1.134, 1.144, 1.152, 1.168 and 1.170 to read as follows:

22 **SEC. 1.100. PURPOSE AND INTENT.**

23 (a) Huge sums of moneys often are necessary to finance American election

24 campaigns. Inherent to the high cost of election campaigning is the problem of improper

25 influence, real or potential, exercised by campaign contributors over elected officials. In

1 addition, this fundraising distracts public officials seeking reelection from focusing upon  
2 important public matters, encourages contributions which may have a corrupting influence,  
3 and gives incumbents an unfair fundraising advantage over potential challengers. These  
4 developments undermine the integrity of the governmental process, the competitiveness of  
5 campaigns and public confidence in local officials.

6 (b) It is the purpose and intent of the People of the City and County of San  
7 Francisco in enacting this Chapter to:

8 (1) Place realistic and enforceable limits on the amount individuals may  
9 contribute to political campaigns in municipal elections and to provide full and fair enforcement  
10 of all the provisions in this Chapter;

11 (2) Ensure that all individuals and interest groups in our city have a fair  
12 opportunity to participate in elective and governmental processes;

13 (3) Create an incentive to limit overall expenditures in campaigns, thereby  
14 reducing the pressure on candidates to raise large campaign war chests for defensive  
15 purposes beyond the amount necessary to communicate reasonably with voters;

16 (4) Reduce the advantage of incumbents and thus encourage competition for  
17 elective office;

18 (5) Allow candidates and officeholders to spend a smaller proportion of their  
19 time on fundraising and a greater proportion of their time dealing with issues of importance to  
20 their constituents' community;

21 (6) Ensure that serious candidates are able to raise enough money to  
22 communicate their views and positions adequately to the public, thereby promoting public  
23 discussion of the important issues involved in political campaigns;

1 (7) Limit contributions to candidates and committees, including committees  
2 that make independent expenditures, to eliminate or reduce the appearance or reality that  
3 large contributors may exert undue influence over elected officials;

4 (8) Assist voters in making informed electoral decisions and ensure compliance with  
5 campaign contribution limits through the required filing of campaign statements detailing the sources  
6 of campaign contributions and how those contributions have been expended;

7 (9) Make it easier for the public, the media and election officials to efficiently review  
8 and compare campaign statements by requiring committees that meet certain financial thresholds to  
9 file copies of their campaign statements on computer diskettes or other designated electronic media;  
10 and

11 (8) (10) Help restore public trust in governmental and electoral institutions.

12 (c) This Chapter is enacted in accordance with the terms of Sections 5 and 7 of  
13 Article XI of the Constitution of the State of California and Section 1.101 of the Charter of the  
14 City and County of San Francisco.

15  
16 SEC. 1.103. AMENDMENT OR REPEAL OF CHAPTER.

17 The voters may amend or repeal this Chapter. The Board of Supervisors may amend this  
18 Chapter if all of the following conditions are met:

19 (a) The amendment furthers the purposes of this Chapter;

20 (b) The Ethics Commission approves the proposed amendment in advance by at least a  
21 four-fifths vote of all its members;

22 (c) The proposed amendment is available for public review at least 30 days before the  
23 amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;

24 and

1            (d) The Board of Supervisors approves the proposed amendment by at least a two-thirds  
2 vote of all its members.

3  
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 elective office or who otherwise has taken affirmative action to seek nomination or election to  
8 such office. The term "candidate" shall also mean the candidate's campaign committee.

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

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

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

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

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

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

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

23 (i)(h) "Ethics Commission" shall mean the San Francisco Ethics Commission.  
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1           ~~(j)~~(i) "Executive Director" shall mean the Executive Director of the Ethics  
2 Commission, or the Executive Director's designee.

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

8           ~~(h)~~(k) "Measure" shall mean any City referendum, recall or ballot proposition, whether  
9 or not it qualifies for the ballot.

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

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

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

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

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

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

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

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

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

11 ~~(o)~~ "Recorded telephone message" shall mean a recorded audio message that  
12 expressly supports or opposes a candidate for City elective office that is distributed by  
13 telephone.

14 ~~(p)~~ "Surplus funds" shall mean funds remaining in a candidate's campaign account  
15 at the time the candidate leaves City elective office, or at the end of the post-election reporting  
16 period following the defeat of the candidate for City elective office, whichever occurs last, and  
17 funds remaining in the campaign account of a committee primarily formed to support or  
18 oppose a measure at the end of the post-election reporting period following the election at  
19 which the measure appeared on the ballot.

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

1 **SEC. 1.112. ~~AMENDMENT OR REPEAL OF CHAPTER. ELECTRONIC CAMPAIGN~~**

2 **DISCLOSURE.**

3 ~~The voters may amend or repeal this Chapter. The Board of Supervisors may amend this~~  
4 ~~Chapter if all of the following conditions are met:~~

5 ~~(a) The amendment furthers the purposes of this Chapter;~~

6 ~~(b) The Ethics Commission approves the proposed amendment in advance by at least a four-~~  
7 ~~fifths vote of all its members;~~

8 ~~(c) The proposed amendment is available for public review at least 30 days before the~~  
9 ~~amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors;~~

10 ~~and~~

11 ~~(d) The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of~~  
12 ~~all its members~~

13 **(a) FILING ELECTRONIC COPIES OF CAMPAIGN STATEMENTS.**

14 Whenever any committee that meets the requirements of Subsection (b) of this Section is  
15 required by the California Political Reform Act (Government Code Section 81000 et seq.) to file a  
16 semi-annual campaign statement, a preelection campaign statement, a supplemental preelection  
17 campaign statement, or a supplemental independent expenditure report with the Ethics Commission,  
18 the committee shall file at the same time a copy of the statement or report in an electronic format with  
19 the Ethics Commission, provided the Ethics Commission has prescribed the format at least 60 days  
20 before the statement or report is due to be filed.

21 **(b) COMMITTEES SUBJECT TO ELECTRONIC FILING REQUIREMENTS.**

22 A committee is subject to this Section if the committee is: (1) required to file a statement of  
23 organization under the California Political Reform Act (Government Code Sections 81000 et seq.); and  
24 (2) is controlled by a candidate, or is formed or exists primarily to support or oppose a candidate, or is  
25



1 formed or exists primarily to support or oppose a ballot measure which is being voted on only in the  
2 City and County, or is a general purpose committee active only in the City and County; and (3)  
3 receives contributions, or makes independent expenditures, totaling \$5,000 or more in a calendar year.  
4 For purposes of this Section, the term "contribution" shall be defined as set forth in the California  
5 Political Reform Act (Government Code Section 81000 et seq.)

6 (c) AUTHORITY OF ETHICS COMMISSION TO REQUIRE ADDITIONAL FILINGS.

7 Whenever any committee that meets the requirements under Subsection (b) of this Section is  
8 required by the California Political Reform Act (Government Code Section 81000 et seq.) to file a  
9 campaign disclosure statement or report with the Ethics Commission, the Commission may require the  
10 committee to file an electronic copy of the statement or report. The electronic copy shall be due no  
11 later than the deadline imposed by the California Political Reform Act for filing the statement or  
12 report. Pursuant to San Francisco Charter Section 15.102, the Ethics Commission shall adopt  
13 regulations specifying the electronic filing requirements applicable to committees. The Ethics  
14 Commission shall adopt these regulations no fewer than 120 days before the electronic filing  
15 requirements are effective

16 (d) CONTINUOUS FILING OF ELECTRONIC COPIES OF CAMPAIGN STATEMENTS.

17 Once a committee is subject to the electronic filing requirements imposed by this Section, the  
18 committee shall remain subject to the electronic filing requirements, regardless of the amount of  
19 contributions received or expenditures made during each reporting period, until the committee files a  
20 termination statement pursuant to California Political Reform Act (Government Code Section 81000 et  
21 seq.).

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  
5 no candidate campaign treasurer shall solicit or accept, any contribution which will cause the  
6 total amount contributed by such person to such candidate in ~~the general an~~ election to exceed  
7 \$500.

8 (2) Overall Limit. No person shall make any contribution which will cause the  
9 total amount contributed by such person to all candidates in ~~the general an~~ election to exceed  
10 \$500 multiplied by the number of City elective offices to be voted on at ~~that the general~~  
11 election.

12 ~~(3) Public Defender and Assessor; Special Elections. With respect to the offices of~~  
13 ~~Public Defender and Assessor, the limits imposed by this subsection apply only to the primary election.~~  
14 ~~In any special election, the limits imposed by this subsection apply to the initial election. If any run-off~~  
15 ~~is held as part of a special election, then the limits in subsection (b) apply to the run-off.~~

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

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

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

4           ~~(3) Public Defender and Assessor; Special Elections. With respect to the offices of Public~~  
5 ~~Defender and Assessor, the limit imposed by this sub-section applies only to the general election. In~~  
6 ~~any special election, the limits imposed by this subsection apply to any run-off election held as part of~~  
7 ~~the special election.~~

8           ~~(e)(b)~~ LIMITS ON CONTRIBUTIONS TO COMMITTEES.

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

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

15           (3) Definitions. For purposes of this Subsection, "committee" shall mean any  
16 committee making expenditures to support or oppose a candidate, but shall not include  
17 candidates' campaign committees.

18           ~~(d)~~ (c) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.

19           (1) General rule. For purposes of the contribution limits imposed by this  
20 Section and Sections 1.120 and 1.126, the contributions of an entity whose contributions are  
21 directed and controlled by any individual shall be aggregated with contributions made by that  
22 individual and any other entity whose contributions are directed and controlled by the same  
23 individual.

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

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

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

12           (5) Effective Date. This Subsection shall take effect January 1, 2004.

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

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

1 amount received or deposited in excess of the amount permitted by this Section to the City  
2 and County of San Francisco and deliver the payment to the Ethics Commission for deposit in  
3 the General Fund of the City and County; provided that the Commission may provide for the  
4 waiver or reduction of the forfeiture.

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

16  
17 ~~SEC. 1.118. RUN-OFF ELECTIONS.~~

18 ~~All provisions of this Chapter, unless specified otherwise herein, shall be applicable in any run-~~  
19 ~~off for any City elective office. In addition, the following provisions shall be applicable in any such~~  
20 ~~run-off election:~~

21 ~~(a) — TIME LIMITATION ON ACCEPTANCE OF CONTRIBUTIONS. No person shall make,~~  
22 ~~and no candidate campaign treasurer shall solicit or accept, any contribution in connection with a run-~~  
23 ~~off election for a City elective office until the day following the date of the general election for that~~  
24 ~~office.~~

1            ~~(b) USE OF UNEXPENDED FUNDS. Any candidate who qualifies for a run-off election~~  
2 ~~may utilize unexpended campaign funds from the general election campaign for the run-off election.~~

3  
4 **SEC. 1.120. CONTRIBUTION LIMITS - POST-ELECTION LEGAL PROCEEDINGS.**

5            All provisions of this Chapter, unless specified otherwise herein, shall be applicable in  
6 any post-election recounts, election contests or other proceedings held pursuant to law. In  
7 addition, the following provisions shall be applicable in any such post-election legal  
8 proceedings:

9            (a) No person other than a candidate shall make, and no candidate shall solicit or  
10 accept, any contribution which will cause the total amount contributed by such person in post-  
11 election legal proceedings to any candidate to exceed, in addition to the contribution limit  
12 contained in Sections 1.114, \$100.

13            (b) Notwithstanding any other provision of this Chapter to the contrary, for the  
14 purposes of conducting post-election recounts, election contests or other proceedings held  
15 pursuant to law, the delivery of in-kind legal services by lawyers in support of or in opposition  
16 to candidates, including in-kind contributions to committees supporting or opposing  
17 candidates, shall not be subject to any contribution limitations set forth in this Chapter.

18            (c) If any person ~~is found guilty of violating the terms of~~ violates this Section, each  
19 campaign treasurer who received part or all of the contribution or contributions which  
20 constitute the violation shall pay promptly, ~~from available campaign funds, if any,~~ the amount  
21 received from such person in excess of the amount permitted by this Section to the City and  
22 County Treasurer for deposit in the General Fund of the City and County.

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

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

7 The Director of Elections shall cause to be published in the Voter Information  
8 Pamphlet, on the same page as appears the candidate's statement of qualifications, a notice  
9 informing voters whether the candidate has ~~accepted~~ adopted the voluntary expenditure ceiling.  
10 For candidates who have ~~accepted~~ adopted the voluntary expenditure ceiling, the notice shall  
11 state: "The above candidate has accepted the City's voluntary spending limit." For candidates  
12 who have not accepted the voluntary expenditure ceiling, the notice shall state: "The above  
13 candidate has NOT accepted the City's voluntary spending limit." The notice shall be printed  
14 in the same font size and type as the candidate's statement of qualifications.

15 (b) Any candidate who files a statement pursuant to this Section accepting the  
16 applicable expenditure ceiling and makes campaign expenditures in excess of the expenditure  
17 ceiling, at a time when the ceiling has not been lifted, is subject to the penalties in Section  
18 1.170 for violation of this Chapter.

19  
20 **SEC. 1.130. AMOUNT OF EXPENDITURE CEILINGS.**

21 (a) ~~In primary elections, any~~ Any candidate for Assessor, ~~or~~ Public Defender, City  
22 Attorney, District Attorney, Treasurer, or Sheriff who agrees to expenditure ceilings shall not  
23 make total qualified campaign expenditures exceeding \$211,000. ~~In general elections, any~~  
24  
25

1 ~~candidate for Assessor or Public Defender who agrees to expenditure limits shall not make total~~  
2 ~~qualified campaign expenditures exceeding \$121,000.~~

3 (b) ~~In general elections, any Any candidate for Mayor who agrees to expenditure~~  
4 ~~ceilings shall not make total qualified campaign expenditures exceeding \$724,000. In run-off~~  
5 ~~elections, any candidate for Mayor who agrees to expenditure limits shall not make total qualified~~  
6 ~~campaign expenditures exceeding \$482,000.~~

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

12 (d)(c) ~~In general elections, any Any candidate for the Board of Supervisors who agrees to~~  
13 ~~expenditure ceilings shall not make total qualified campaign expenditures exceeding \$83,000.~~  
14 ~~In run-off elections, any candidate for the Board of Supervisors who agrees to expenditure limits shall~~  
15 ~~not make total qualified campaign expenditures exceeding \$22,000.~~

16 (e)(d) Any candidate for the Board of Education of the San Francisco Unified School  
17 District or the Governing Board of the San Francisco Community College District who agrees  
18 to expenditure ceilings shall not make total qualified campaign expenditures exceeding  
19 \$90,000.

20 (f) ~~The expenditure ceilings set forth in this section for a particular office apply to any~~  
21 ~~special election to fill a vacancy in that office. The expenditure ceilings applicable to the general or~~  
22 ~~primary election for the office apply in any initial election held as part of the special election. In the~~  
23 ~~event that a run-off is held as part of a special election, the expenditure ceilings applicable to the run-~~  
24



1 ~~off for that office, or general election in the case of the office of Public Defender or Assessor, shall~~  
2 ~~apply.~~

3 (g) — (e) The Ethics Commission is authorized to adjust annually the expenditure  
4 ceilings imposed by this Section to reflect the change in the California Consumer Price Index  
5 for that year.

6 **SEC. 1.134. EXPENDITURE CEILINGS LIFTED.**

7 This Section shall apply only if at least one candidate for the City elective office has  
8 filed a statement with the *Department of Elections Ethics Commission* pursuant to Section 1.128  
9 indicating acceptance of the applicable expenditure limits, and the applicable expenditure limit  
10 has not already been lifted.

11 (a) If a candidate who has filed a statement under Section 1.128 declining to accept  
12 expenditure ceilings receives contributions or makes qualified campaign expenditures in  
13 excess of 100 percent of the applicable expenditure ceiling, or if a person or persons make  
14 expenditures or payments, or incur expenses for the purpose of making independent  
15 expenditures, electioneering communications or member communications in support of or in  
16 opposition to a candidate that total more than 100 percent of the applicable expenditure  
17 ceiling, the applicable expenditure limit shall no longer be binding on any candidate seeking  
18 election to the same City elective office.

19 (b) Any candidate who ~~declines to adopt~~ has not accepted the voluntary expenditure  
20 ceiling and who receives contributions, makes expenditures, incurs expenses or has funds in  
21 his campaign trust account that exceed 100 percent of the applicable expenditure ceiling  
22 shall, within 24 hours of exceeding 100 percent of the applicable expenditure ceiling, file a  
23 statement with the Ethics Commission, on forms to be provided by the Ethics Commission,  
24 stating that fact and any additional information required by the Ethics Commission. Within 24  
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1 hours after receiving such notice, the Ethics Commission shall inform every other candidate  
2 for that office that the expenditure ceiling has been lifted.

3 (c) Any person that makes expenditures or payments, or incurs expenses for the  
4 purpose of making independent expenditures, electioneering communications or member  
5 communications in support of or in opposition to any candidate in an amount of \$5,000 or  
6 more shall, within 24 hours of reaching this threshold, file a statement with the Ethics  
7 Commission, on forms to be provided by the Ethics Commission, stating that fact and any  
8 additional information required by the Ethics Commission. Thereafter, until such time as the  
9 applicable expenditure ceiling is lifted, any such *committee person* shall file a supplemental  
10 statement with the Ethics Commission each time the committee makes expenditures or  
11 payments or incurs expenses for the purpose of making independent expenditures,  
12 electioneering communications or member communications or incurs expenses in support of  
13 or in opposition to any candidate of an additional \$5,000. The supplemental statements shall  
14 be filed within 24 hours of reaching these spending thresholds.

15  
16 **SEC. 1.144. DISBURSEMENT OF PUBLIC FUNDS.**

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

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

1 (c) PAYMENTS FOR *GENERAL* ELECTION EXPENSES. Upon certification of  
2 eligibility, and in accordance with Subsection (b) of this Section, the candidate shall receive a  
3 payment of \$5,000 from the Election Campaign Fund. Thereafter, for each of the first \$5,000  
4 dollars of matching contributions raised by the candidate, the candidate shall receive four  
5 dollars from the Election Campaign Fund. Thereafter, for each additional dollar of matching  
6 contributions raised by the candidate, the candidate shall receive one dollar from the Election  
7 Campaign Fund. The maximum amount of public funds a candidate may receive to defray  
8 *general* election expenses under this Chapter is \$43,750. The amount of public funds paid  
9 under this Section shall not be affected by the lifting of expenditure limits under Section 1.134.

10 ~~(d) PAYMENTS FOR RUN-OFF ELECTION EXPENSES. Each candidate who is certified~~  
11 ~~to receive public funds under this Chapter and who qualifies for a run-off election shall receive a~~  
12 ~~payment of \$5,000 from the Election Campaign Fund. Thereafter, for each dollar of matching~~  
13 ~~contributions raised by the candidate, the candidate shall receive four dollars from the Election~~  
14 ~~Campaign Fund. The maximum amount of public funds such candidates may receive to defray run-off~~  
15 ~~election expenses under this Chapter is \$17,000. The amount of public funds paid under this Section~~  
16 ~~shall not be affected by the lifting of expenditure limits under Section 1.134.~~

17 (e)(d) PRORATION OF FUNDS. Notwithstanding Subsections (c) and (d) of this  
18 Section, if the Executive Director makes an initial or the Ethics Commission makes a final  
19 determination, pursuant to Section 1.154(b) of this Chapter, that funds in the Election  
20 Campaign Fund are insufficient, the Executive Director or the Commission shall distribute the  
21 money in the Fund on a pro rata basis to all candidates who are certified as eligible to receive  
22 public funds.  
23  
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1           ~~(f)~~(e) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT. Candidates  
2 must deposit all payments received from the Election Campaign Fund in the candidate's  
3 Campaign Contribution Trust Account.

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

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

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

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

12  
13 **SEC. 1.152. SUPPLEMENTAL REPORTING IN ELECTIONS FOR BOARD OF**  
14 **SUPERVISORS.**

15           In addition to the campaign disclosure requirements imposed by the California Political  
16 Reform Act and other provisions of this Chapter, each candidate who has filed a statement  
17 indicating that he or she does not intend to participate in the public financing program under  
18 Section 1.142(a) of this Chapter or who has received notice under Section 1.142 that the  
19 candidate is ineligible to receive public funds under this Chapter shall, no later than the  
20 deadline for filing nomination papers, file a statement with the Ethics Commission indicating  
21 whether the nonparticipating candidate has received contributions, made expenditures or has  
22 funds in his or her campaign trust account that in the aggregate equal or exceed \$5,000. If  
23 the nonparticipating candidate first reaches or exceeds the \$5,000 threshold after the deadline  
24 for filing nomination papers, or receives notice of ineligibility to receive public funds after that  
25

1 date, the nonparticipating candidate shall, within 24 hours of reaching or exceeding the  
2 threshold or receiving notice of ineligibility, file a statement indicating this fact with the Ethics  
3 Commission. The supplemental reports are not required if no candidate in a race seeks  
4 public financing or if the Executive Director of the Ethics Commission has determined that at least  
5 two candidates in a race have received contributions or have funds in their campaign trust account that  
6 equal or exceed \$5,000.

7  
8 **SEC. 1.168. ENFORCEMENT; ADVICE.**

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

15 (b) ENFORCEMENT—CIVIL ACTIONS. The City Attorney, or any voter, may bring  
16 a civil action to enjoin violations of or compel compliance with the provisions of this Chapter.  
17 ~~No civil action alleging a violation of the provisions of this Chapter shall be filed more than four years~~  
18 ~~after the date the cause of action accrued or the date that the facts constituting the cause of action were~~  
19 ~~discovered by the civil prosecutor, whichever is later.~~

20 No voter may commence an action under this Subsection without first providing written  
21 notice to the City Attorney of intent to commence an action. The notice shall include a  
22 statement of the grounds for believing a cause of action exists. The voter shall deliver the  
23 notice to the City Attorney at least sixty days in advance of filing an action. No voter may  
24 commence an action under this Subsection if the Ethics Commission has issued a finding of  
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1 probable cause that the defendant violated the provisions of this Chapter, or if the City  
2 Attorney or District Attorney has commenced a civil or criminal action against the defendant,  
3 or if another voter has filed a civil action against the defendant under this Subsection.

4 A Court may award reasonable attorney's fees and costs to any voter who obtains  
5 injunctive relief under this Subsection. If the Court finds that an action brought by a voter  
6 under this Subsection is frivolous, the Court may award the defendant reasonable attorney's  
7 fees and costs.

8 (c) STATUTE OF LIMITATIONS.

9 (1) Criminal. Prosecution for violation of this Chapter must be commenced within four  
10 years after the date on which the violation occurred.

11 (2) Civil. No civil action alleging a violation in connection with a campaign statement  
12 required under this Chapter shall be filed more than four years after an audit could begin, or more  
13 than one year after the Executive Director submits to the Commission any report of any audit  
14 conducted of the alleged violator, whichever period is less. Any other civil action alleging a violation  
15 of any provision of this Chapter shall be filed no more than four years after the date on which the  
16 violation occurred.

17 (3) Administrative. No administrative action alleging a violation of this Chapter and  
18 brought under Charter Section C3.699-13 shall be commenced more than five years after the date on  
19 which the violation occurred. The date on which the Commission forwards a complaint or information  
20 in its possession regarding an alleged violation to the District Attorney and City Attorney as required  
21 by Charter Section C3.699-13 shall constitute the commencement of the administrative action.

22 (4) Collection of fines and penalties. A civil action brought to collect fines or penalties  
23 imposed under this Chapter shall be commenced within four years after the date on which the monetary  
24 penalty or fine was imposed. For purposes of this Section, a fine or penalty is imposed when a court or  
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1 administrative agency has issued a final decision in an enforcement action imposing a fine or penalty  
2 for a violation of this Chapter or the Executive Director has made a final decision regarding the  
3 amount of a late fine or penalty imposed under this Chapter. The Executive Director does not make a  
4 final decision regarding the amount of a late fine or penalty imposed under this Chapter until the  
5 Executive Director has made a determination to accept or not accept any request to waive a late fine or  
6 penalty where such waiver is expressly authorized by statute, ordinance, or regulation.

7 (e) (d) ADVICE.

8 Any person may request advice from the Ethics Commission or City Attorney with  
9 respect to any provision of this Chapter. The Ethics Commission shall provide advice pursuant  
10 to Charter Section C3.699-12. The City Attorney shall within 14 days of the receipt of said  
11 written request provide the advice in writing or advise the person who made the request that  
12 no opinion will be issued. The City Attorney shall send a copy of said request to the District  
13 Attorney upon its receipt. The City Attorney shall within nine days from the date of the receipt  
14 of said written request send a copy of his or her proposed opinion to the District Attorney. The  
15 District Attorney shall within four days inform the City Attorney whether he or she agrees with  
16 said advice, or state the basis for his or her disagreement with the proposed advice.

17 No person other than the City Attorney who acts in good faith on the advice of the City  
18 Attorney shall be subject to criminal or civil penalties for so acting; provided that, the material  
19 facts are stated in the request for advice and the acts complained of were committed in  
20 reliance on the advice.

1 **SEC. 1.170. PENALTIES.**

2 (a) **CRIMINAL.**

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

13 (b) **CIVIL.**

14 Any person who intentionally or negligently violates any of the provisions of this  
15 Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to  
16 \$5,000 for each violation or three times the amount not reported or the amount received in  
17 excess of the amount allowable pursuant to Section 1.114 or three times the amount  
18 expended in excess of the amount allowable pursuant to Section 1.130, whichever is greater.

19 (c) **ADMINISTRATIVE.**

20 Any person who intentionally or negligently violates any of the provisions of this  
21 Chapter shall be liable in an administrative proceeding before the Ethics Commission held  
22 pursuant to the Charter for an amount up to \$5,000 for each violation, or three times the  
23 amount not reported or the amount received in excess of the amount allowable pursuant to  
24  
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1 Section 1.114 or three times the amount expended in excess of the amount allowable  
2 pursuant to Section 1.130, whichever is greater.

3 (d) PENALTIES FOR LATE ELECTRONIC FILINGS.

4 Any person who files an electronic copy of a statement or report required by this Chapter after  
5 the deadline imposed by the California Political Reform Act (Government Code Section 81000 et seq.)  
6 for filing the written copy of the statement or report shall be liable in the amount of twenty-five dollars  
7 (\$25) per day after the deadline until the electronic copy is filed.

8 (d)(e) MISUSE OF PUBLIC FUNDS.

9 Any person who willfully or knowingly uses public funds, paid pursuant to this Chapter,  
10 for any purpose other than the purposes authorized by this Chapter shall be subject to the  
11 penalties provided in this Section.

12 (e)(f) PROVISION OF FALSE OR MISLEADING INFORMATION TO THE ETHICS  
13 COMMISSION; WITHHOLDING OF INFORMATION.

14 Any person who knowingly or willfully furnishes false or fraudulent evidence,  
15 documents, or information to the Ethics Commission under this Chapter, or misrepresents any  
16 material fact, or conceals any evidence, documents, or information, or fails to furnish to the  
17 Ethics Commission any records, documents, or other information required to be provided  
18 under this Chapter shall be subject to the penalties provided in this Section.

19 (f)(g) PERSONAL LIABILITY.

20 Candidates and treasurers are responsible for complying with this Chapter and may be  
21 held personally liable for violations by their committees.

22 (g)(h) JOINT AND SEVERAL LIABILITY.

23 If two or more persons are responsible for any violation of this Chapter, they shall be  
24 jointly and severally liable.

1           ~~(4)~~(i) EFFECT OF VIOLATION ON OUTCOME OF ELECTION.

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

10  
11           Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby  
12 amended by repealing Chapter 3 of Article 1, Sections 1.300, 1.305, 1.310, 1.312, 1.315 and  
13 1.320 as follows:

14       ~~SEC. 1.300. FINDINGS AND PURPOSE.~~

15           ~~(a) — State and local law require candidates, persons supporting or opposing ballot measures~~  
16 ~~and certain other types of committees to file campaign finance statements with the Ethics Commission~~  
17 ~~detailing the sources of their contributions and how they have expended those contributions. The~~  
18 ~~purpose of these laws is to assist voters in making informed electoral decisions. These laws also assist~~  
19 ~~to ensure compliance with campaign contribution laws.~~

20           ~~(b) — Frequently, these disclosure reports are extremely lengthy. Moreover, literally~~  
21 ~~hundreds of such reports are filed with the Ethics Commission each reporting period. It is extremely~~  
22 ~~difficult for members of the public, the media and election officials efficiently to review and compare~~  
23 ~~these statements.~~

1           ~~(c) — The Board of Supervisors finds that requiring political committees that meet certain~~  
2 ~~financial thresholds to file copies of their campaign statements on computer diskettes or other~~  
3 ~~designated electronic media will further the purposes of campaign finance disclosure laws.~~

4 **~~SEC. 1.305. DEFINITIONS.~~**

5           ~~Whenever used in this Chapter the following definitions shall apply:~~

6           ~~(a) — "Committee" means any persons or group of persons which:~~

7           ~~(1) — Are required to file a statement of organization under California Political Reform Act~~  
8 ~~(Government Code Sections 81000 et seq.); and~~

9           ~~(2) — Are controlled by a candidate, or is formed or exists primarily to support or oppose a~~  
10 ~~candidate, or is formed or exists primarily to support or oppose a ballot measure which is being voted~~  
11 ~~on only in the City and County, or is a general purpose committee active only in the City and County;~~  
12 ~~and~~

13           ~~(3) — Receives contributions, or makes independent expenditures, totaling \$5,000 or more in a~~  
14 ~~calendar year.~~

15           ~~(b) — "Contribution" shall be defined as set forth in the California Political Reform Act~~  
16 ~~(Government Code Sections 81000 et seq.).~~

17           ~~(c) — "General Purpose Committee" shall be defined as set forth in the California Political~~  
18 ~~Reform Act (Government Code Section 81000 et seq.).~~

19           ~~(d) — "Independent expenditure" shall be defined as set forth in the California Political~~  
20 ~~Reform Act (Government Code Sections 81000 et seq.).~~

21 **~~SEC. 1.310. FILING ELECTRONIC COPIES OF CAMPAIGN STATEMENTS.~~**

22           ~~(a) — REQUIRED FILINGS. Whenever any committee is required by California Political~~  
23 ~~Reform Act (Government Code Section 81000 et seq.) to file a semi-annual campaign statement, a~~  
24 ~~preelection campaign statement, a supplemental preelection campaign statement, or a supplemental~~  
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1 ~~independent expenditure report with the Ethics Commission, the elected officer, candidate or committee~~  
2 ~~shall file at the same time a copy of the statement or report, in an electronic format prescribed by the~~  
3 ~~Ethics Commission, provided the Ethics Commission has prescribed the format at least 60 days before~~  
4 ~~the statement or report is due to be filed.~~

5 ~~(b) — AUTHORITY OF ETHICS COMMISSION TO REQUIRE ADDITIONAL FILINGS.~~

6 ~~Whenever any committee is required by California Political Reform Act (Government Code Section~~  
7 ~~81000 et seq.) to file a campaign disclosure statement or report with the Ethics Commission, the~~  
8 ~~Commission may require the committee to file an electronic copy of the statement or report. The~~  
9 ~~electronic copy shall be due no later than the deadline imposed by the California Political Reform Act~~  
10 ~~for filing the statement or report. Pursuant to San Francisco Charter Section 15.102, the Ethics~~  
11 ~~Commission shall adopt regulations specifying the electronic filing requirements applicable to~~  
12 ~~committees. The Ethics Commission shall adopt these regulations no fewer than 120 days before the~~  
13 ~~electronic filing requirements are effective.~~

14 ~~SEC. 1.312. CONTINUOUS FILING OF ELECTRONIC COPIES OF CAMPAIGN~~  
15 ~~STATEMENTS.~~

16 ~~Once a committee is subject to the electronic filing requirements imposed by Section 1.310 of~~  
17 ~~this Chapter, the committee shall remain subject to the electronic filing requirements, regardless of the~~  
18 ~~amount of contributions received or expenditures made during each reporting period, until the~~  
19 ~~committee files a termination statement pursuant to California Political Reform Act (Government Code~~  
20 ~~Section 81000 et seq.).~~

21 ~~SEC. 1.315. PENALTIES FOR LATE FILING.~~

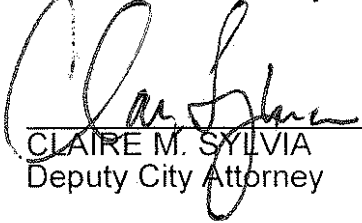
22 ~~Any person who files an electronic copy of a statement or report required by this Chapter after~~  
23 ~~the deadline imposed by the California Political Reform Act (Government Code Section 81000 et seq.)~~  
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1 ~~for filing the written copy of the statement or report shall be liable in the amount of twenty five dollars~~  
2 ~~(\$25) per day after the deadline until the electronic copy is filed.~~

3 ~~**SEC. 1.320. SEVERABILITY.**~~

4 ~~The provisions of this Chapter are declared to be separate and severable. The invalidity of any~~  
5 ~~clause, sentence, paragraph, subdivision, section, or portion of this Chapter, or the invalidity of the~~  
6 ~~application thereof to any person or circumstances, shall not affect the validity of the remainder of this~~  
7 ~~Chapter, or the validity of its application to other persons or circumstances.~~

8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By:   
11 CLAIRE M. SYLVIA  
12 Deputy City Attorney

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# City and County of San Francisco

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

## Tails Ordinance

**File Number:** 051439

**Date Passed:**

Ordinance amending the Campaign and Governmental Conduct Code by adding a new Section 1.103, amending Sections 1.100, 1.104, 1.112, 1.114, 1.120, 1.128, 1.130, 1.134, 1.144, 1.152, 1.168, and 1.170, repealing Section 1.118, and repealing Chapter 3 of Article 1, Sections 1.300, 1.305, 1.310, 1.312, 1.315 and 1.320 to: (1) make technical changes including the correction of grammatical or reference errors and the reordering of Sections; (2) conform the Campaign Finance Reform Ordinance to the adoption of Ranked Choice Voting; (3) move the Electronic Filing Ordinance from Chapter 3 of Article 1 of the Campaign and Governmental Conduct Code to the Campaign Finance Reform Ordinance; and (4) expressly set forth a statute of limitations for criminal, civil, administrative and collection actions brought under the Campaign Finance Reform Ordinance.

January 10, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Excused: 1 - Alioto-Pier


January 17, 2006 Board of Supervisors — FINALLY PASSED

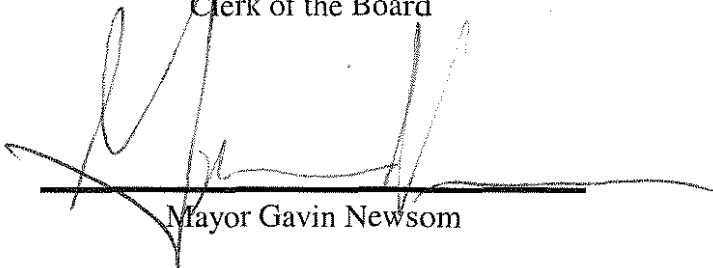
Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,  
Mirkarimi, Peskin, Sandoval  
Excused: 1 - Ammiano

File No. 051439

I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on January 17, 2006  
by the Board of Supervisors of the City and  
County of San Francisco.

01/20/06  
Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Gavin Newsom