

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Patrick Ford, Executive Director, Ethics Commission

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: May 9, 2024

SUBJECT: HEARING INTRODUCED

The Board of Supervisors' Rules Committee received the below listed request for hearing. The matter has been scheduled to be heard before the Rules Committee on May 13, 2024, at 10:00 a.m.

File No. 240487

Hearing on the Ethics Commission's adoption of Regulation Amendments regarding "Campaign Finance Rules" contained in Campaign and Governmental Conduct Code, Sections 1.108-4 (Bank Account Location), 1.112 (Electronic Campaign Disclosure - Electronic Signatures), 1.126-7 (Contributor Information), 1.126-9 (Hosting Home or Office Fundraisers), 1.127-3 (Contributions by Persons with a Financial Interest in Land Use Matter - Contributor Attestation), 1.127-4 (Hosting Home or Office Fundraisers), 1.142-6 (Certification), 1.170-1 (Provision of Documents), and 1.170-2 (Provision of Documents); pursuant to Charter, Section 15.102, that provides the Ethics Commission the authority to adopt regulations that become effective 60 days after adoption unless two-thirds of all Members of the Board of Supervisors vote to veto the rule or regulation; and requesting the Ethics Commission to report.

If you have comments or reports to be included with the file, please forward them to Victor Young at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

c: Michael Canning, Ethics Commission

File No. 240487

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date May 13, 2024

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Information/Vacancies (Boards/Commissions)
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Request for Hearing 5/2/2024
- Ethics Commission Draft Regulation Amendments 4/12/2024
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

Completed by: Victor Young

Date May 9, 2024

Completed by: _____

Date _____

Member, Board of Supervisors
District 9



City and County of San Francisco

HILLARY RONEN

MEMORANDUM

May 2, 2024

Angela Calvillo

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Requesting Hearing on Ethics Commission Revised Regulations

Dear Madam Clerk,

I am writing to request a hearing on the Ethics Commission's revised regulations regarding the City's campaign finance rules, in SF Campaign & Governmental Conduct Code Sections 1.108, 1.112, 1.126, 1.127, 1.142, and 1.170, adopted at the meeting of April 12, 2024.

Please reach out to my legislative aide, Jackie Prager, if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Hillary Ronen".

Hillary Ronen
San Francisco Board of Supervisors, District 9

cc: Aaron Peskin - Board President
Eileen McHugh - Executive Assistant
Alisa Somera - Legislative Deputy
Anne Pearson - Deputy City Attorney

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MEMORANDUM

Date: April 19, 2024
To: Honorable Members, Board of Supervisors
From: *ACC* Clerk of the Board, Angela Calvillo
Subject: Ethics Commission Regulations Recently Approved

On April 18, 2024, the Ethics Commission submitted revised regulations regarding the City's campaign finance rules, in SF Campaign & Governmental Conduct Code Sections 1.108, 1.112, 1.126, 1.127, 1.142, and 1.170, adopted at the meeting of April 12, 2024.

The San Francisco Charter, Section 15.102, provides that a regulation adopted by the Ethics Commission shall become effective 60 days after the date of its adoption unless before the expiration of this 60-day period, June 17, 2024, two-thirds of all members (eight votes) of the Board of Supervisors vote to disapprove the rule or regulation.

If you wish to hold a hearing on any of these matters, please notify me in writing by **5:00 p.m., Friday, May 3, 2024**, and we will work with the Rules Chair to schedule a hearing.

c: Supervisor Hillary Ronen - Rules Chair
Alisa Somera - Legislative Deputy
Anne Pearson - Deputy City Attorney
Michael Canning - Ethics Commission



San Francisco Ethics Commission

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ETHICS COMMISSION REGULATIONS CONCERNING CAMPAIGN FINANCE

Approved by Ethics Commission: 4/12/24

Draft Regulation Amendments to San Francisco Campaign and Governmental Conduct Code Section 1.100 et seq

...

Regulation 1.108-4: Bank Account Location.

For the purposes of Section 1.108, “an office of a bank located in the City and County of San Francisco” includes the office of any bank that is authorized to do business in the City and County of San Francisco. Accounts may be established online, over the telephone, or at a physical office located outside of the City and County of San Francisco, as long as the bank is authorized to do business in the City and County of San Francisco.

...

Regulation 1.112-2: Electronic Campaign Disclosure – Electronic Signatures Verification.

~~(a) Signature Verification Cards~~

- ~~(1) In order to submit an electronically signed campaign finance disclosure statement, the person signing the disclosure statement must have filed a Form SFEC-112a with the Ethics Commission to verify his or her signature.~~
- ~~(2) The Form SFEC-112a must be signed in the presence of staff of the Ethics Commission during the Commission’s regular business hours, or delivered to the Commission with an original signature notarized by a notary public.~~
- ~~(3) Any individual who signs Form SFEC-112a in the presence of Ethics Commission staff must present valid photo identification issued by a governmental agency, such as a San Francisco City ID, a California ID or driver’s license, or a passport.~~
- ~~(4) The Ethics Commission shall issue a Signer ID and PIN Code to any person who presents a validly completed Form SFEC-112a.~~
- ~~(5) The person who receives the PIN Code is responsible for all documents signed using the PIN Code.~~

~~Example: A candidate receives a Signer ID and PIN Code from the Ethics~~



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~~Commission. The candidate discloses the PIN Code to the treasurer who uses it to sign and file the candidate committee's campaign disclosure forms. The candidate is still responsible for the contents of the campaign disclosure form that is filed with the Ethics Commission.~~

(a) Electronic Signatures

Documents bearing an electronic signature will be treated the same as signed paper documents for the purposes of applicable State and local law. Electronic documents are signed under penalty of perjury under the laws of the State of California. The candidate, treasurer, or other identified signatory is responsible for signing their documents electronically and assumes any liability that results from delegating their electronic signature to another person.

(b) Requirements for Electronic Filing

(1) Required Electronic Filing

Any committee required to file electronic statements under Section 1.112(b) must first file Form SFEC-112b with the Ethics Commission. The Form SFEC-112b may be used to identify those with the authority to sign electronically on behalf of another person.

(b)(2) Voluntary Electronic Filing

Any person or committee who voluntarily opts to file electronic statements under Section 1.112(c) must first file Form SFEC-112b with the Ethics Commission. Thereafter, the person shall be subject to all requirements set forth in Section 1.112 and the regulations thereunder. The Form SFEC-112b may be used to identify those with the authority to sign electronically on behalf of another person.

(c) Any campaign finance disclosure statement that must be filed electronically and that lacks all electronic signatures of the required signers is not deemed filed and may subject the responsible parties to late filing fees, in addition to any other penalty under the Code.



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Regulation 1.126-7: Contributor Information.

A candidate will meet the due diligence requirements of the contribution ban in section 1.126 if the contributor ~~to the candidate~~ certifies under penalty of perjury, in writing, including in electronic format, to the candidate that the following is true:

I am not a City contractor, or a director, officer, greater than 10% owner, or subcontractor of a City contractor, whose contract required the approval of the [list any City elective office the candidate currently holds, the City elective office the candidate is currently seeking, and any state agency on whose board an appointee of the candidate serves] within the last twelve months or whose current bid or proposal will require such approval.

...

Regulation 1.126-9: Hosting Home or Office Fundraisers.

Notwithstanding the definition of "contribution" set forth in the Political Reform Act, for the purpose of Section 1.126, a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office is a contribution, regardless of the value, as is the value of the use of the home or office as a fundraising event venue.

...

Regulation 1.127-3: Contributions by Persons with a Financial Interest in a Land Use Matter – Contributor Attestation.

A candidate will meet the due diligence requirements of section 1.127(c) if the contributor certifies under penalty of perjury, in writing, including in electronic format, to the candidate at the time the contribution is made that the following is true:

I do not have a financial interest in a land use matter, as defined in Campaign and Governmental Conduct Code section 1.127(a) (which excludes my primary residence), that is currently pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or Treasure Island Development Authority Board of Directors, nor have I had a financial interest in any such land use matter for which any of these boards or commissions has rendered a final decision or ruling within the last twelve months.



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Regulation 1.127-4: Hosting Home or Office Fundraisers.

Notwithstanding the definition of “contribution” set forth in the Political Reform Act, for the purpose of Section 1.127, a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant’s home or office is a contribution, regardless of the value, as is the value of the use of the home or office as a fundraising event venue.

...

Regulation 1.142-6: Certification.

(a) Executive Director’s Determination.

(1) The Executive Director shall determine whether to certify a candidate no later than 30 days after the candidate submits the documents required under sections 1.142(a) and 1.142(b).

(2) Any candidate who files Form SFEC-142(a) indicating an intent to participate in the public financing program but who fails to file Form SFEC-142(b) by the 70th day before the election is ineligible to participate in the public financing program and the Executive Director shall notify the candidate that he or she is ineligible.

(3) The Executive Director may take whatever steps he or she deems necessary to determine whether to certify a candidate including, but not limited to, reviewing the materials submitted by a candidate, auditing a candidate’s records, and interviewing a candidate’s contributors. In addition, the Executive Director may require any candidate to file Form SFEC-152 in order to determine whether a candidate who seeks public financing is opposed by another candidate pursuant to section 1.140(b)(3) or 1.140(c)(3).

(4) The Executive Director may not review a Form SFEC-142(b) filed by a candidate unless and until the candidate has filed a Form SFEC-142(a) indicating an intent to participate in the public financing program. (5) The Executive Director may not review a Form SFEC-142(b) filed by a candidate if the candidate has failed to file the Form SFEC 142(b) by the deadline established by Section 1.142(b) or, for resubmissions, the deadline established by Section 1.142(f).

(b) Conditional Certification.

(1) The Executive Director may conditionally certify a candidate for the Board of Supervisors in order to comply with the 30-day requirement set forth in subsection (a) of this regulation and subsection (c) of section 1.142. The Executive Director may issue a conditional certification if a candidate for the Board of Supervisors has satisfied every requirement for certification except the requirement that the candidate be opposed by another candidate who has either established eligibility to receive public financing, or has received contributions or made expenditures which in the aggregate equal or



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exceed \$105,000. A candidate who has received a conditional certification shall be eligible to begin to receive public financing at any time after the Executive Director determines that the candidate is opposed by another candidate who has either established eligibility to receive public financing, or has received contributions or made expenditures which in the aggregate equal or exceed \$105,000. A conditional certification, by itself, does not establish that a candidate is eligible to receive public funds.

(2) The Executive Director may conditionally certify a candidate for the Mayor in order to comply with the 30-day requirement set forth in subsection (a) of this regulation and subsection (c) of section 1.142. The Executive Director may issue a conditional certification if a candidate for Mayor has satisfied every requirement for certification except the requirement that the candidate be opposed by another candidate who has either established eligibility to receive public financing, or has received contributions or made expenditures which in the aggregate equal or exceed \$50,000. A candidate who has received a conditional certification shall be eligible to begin to receive public financing at any time after the Executive Director determines that the candidate is opposed by another candidate who has either established eligibility to receive public financing, or has received contributions or made expenditures which in the aggregate equal or exceed \$50,000. A conditional certification, by itself, does not establish that a candidate is eligible to receive public funds.

Regulation 1.170-1: Provision of Documents.

The Ethics Commission may specify and require the method by which evidence, records, documents, and information is provided for audits and investigations, including in electronic format. Failure to provide evidence, records, documents, or information in the format specified by the Ethics Commission constitutes withholding such materials.

Regulation 1.170-2: Provision of Documents.

Failure to provide evidence, records, documents, or information requested pursuant to a subpoena from the Ethics Commission, or to provide a timely response to a subpoena, constitutes withholding of such materials.



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April 18, 2024

Honorable Members of the San Francisco Board of Supervisors
Attention: Angela Calvillo, Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Ethics Commission Adoption of Regulations Regarding Campaign Finance Rules**

Dear Members of the Board:

Charter Sec. 15.102, in part, provides that a regulation adopted by the Ethics Commission “shall become effective 60 days after the date of its adoption unless before the expiration of this 60-day period two-thirds of all members of the Board of Supervisors vote to veto the rule or regulation.” This transmits regulations adopted by the Ethics Commission at its meeting on Friday, April 12, 2024 regarding the City’s campaign finance rules, in SF Campaign & Governmental Conduct Code Sections 1.108, 1.112, 1.126, 1.127, 1.142, and 1.170.

The adopted regulations appear as an attachment to this communication. A memo and other related attachments regarding these regulations can be found on the Commission’s website, in [the April 12, 2024 meeting materials for Item 6](#).

These regulations were developed with public input and review, including opportunities to provide feedback at two interested persons meetings and a regular meeting of the Commission.

If you have any questions about the attached regulations, please feel free to contact me or Executive Director Patrick Ford at (415) 252-3100.

Sincerely,

DocuSigned by:
Michael A. Canning

04-18-2024 | 08:39:25 PDT

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Michael Canning, Policy and Legislative Affairs Manager

Attachment Included

cc: Patrick Ford, Executive Director; Brad Russi, Office of the City Attorney

ATTACHMENT



San Francisco Ethics Commission

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ETHICS COMMISSION REGULATIONS CONCERNING CAMPAIGN FINANCE

Approved by Ethics Commission: 4/12/24

Draft Regulation Amendments to San Francisco Campaign and Governmental Conduct Code Section 1.100 et seq

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Regulation 1.108-4: Bank Account Location.

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 - ~~(2) The Form SFEC-112a must be signed in the presence of staff of the Ethics Commission during the Commission's regular business hours, or delivered to the Commission with an original signature notarized by a notary public.~~
 - ~~(3) Any individual who signs Form SFEC-112a in the presence of Ethics Commission staff must present valid photo identification issued by a governmental agency, such as a San Francisco City ID, a California ID or driver's license, or a passport.~~
 - ~~(4) The Ethics Commission shall issue a Signer ID and PIN Code to any person who presents a validly completed Form SFEC-112a.~~
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(b) Requirements for Electronic Filing

(1) Required Electronic Filing

Any committee required to file electronic statements under Section 1.112(b) must first file Form SFEC-112b with the Ethics Commission. The Form SFEC-112b may be used to identify those with the authority to sign electronically on behalf of another person.

(b)(2) Voluntary Electronic Filing

Any person or committee who voluntarily opts to file electronic statements under Section 1.112(c) must first file Form SFEC-112b with the Ethics Commission. Thereafter, the person shall be subject to all requirements set forth in Section 1.112 and the regulations thereunder. The Form SFEC-112b may be used to identify those with the authority to sign electronically on behalf of another person.

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Regulation 1.126-7: Contributor Information.

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I am not a City contractor, or a director, officer, greater than 10% owner, or subcontractor of a City contractor, whose contract required the approval of the [list any City elective office the candidate currently holds, the City elective office the candidate is currently seeking, and any state agency on whose board an appointee of the candidate serves] within the last twelve months or whose current bid or proposal will require such approval.

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Regulation 1.126-9: Hosting Home or Office Fundraisers.

Notwithstanding the definition of "contribution" set forth in the Political Reform Act, for the purpose of Section 1.126, a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office is a contribution, regardless of the value, as is the value of the use of the home or office as a fundraising event venue.

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Regulation 1.127-3: Contributions by Persons with a Financial Interest in a Land Use Matter – Contributor Attestation.

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I do not have a financial interest in a land use matter, as defined in Campaign and Governmental Conduct Code section 1.127(a) (which excludes my primary residence), that is currently pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or Treasure Island Development Authority Board of Directors, nor have I had a financial interest in any such land use matter for which any of these boards or commissions has rendered a final decision or ruling within the last twelve months.



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Regulation 1.127-4: Hosting Home or Office Fundraisers.

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...

Regulation 1.142-6: Certification.

(a) Executive Director’s Determination.

(1) The Executive Director shall determine whether to certify a candidate no later than 30 days after the candidate submits the documents required under sections 1.142(a) and 1.142(b).

(2) Any candidate who files Form SFEC-142(a) indicating an intent to participate in the public financing program but who fails to file Form SFEC-142(b) by the 70th day before the election is ineligible to participate in the public financing program and the Executive Director shall notify the candidate that he or she is ineligible.

(3) The Executive Director may take whatever steps he or she deems necessary to determine whether to certify a candidate including, but not limited to, reviewing the materials submitted by a candidate, auditing a candidate’s records, and interviewing a candidate’s contributors. In addition, the Executive Director may require any candidate to file Form SFEC-152 in order to determine whether a candidate who seeks public financing is opposed by another candidate pursuant to section 1.140(b)(3) or 1.140(c)(3).

(4) The Executive Director may not review a Form SFEC-142(b) filed by a candidate unless and until the candidate has filed a Form SFEC-142(a) indicating an intent to participate in the public financing program. (5) The Executive Director may not review a Form SFEC-142(b) filed by a candidate if the candidate has failed to file the Form SFEC 142(b) by the deadline established by Section 1.142(b) or, for resubmissions, the deadline established by Section 1.142(f).

(b) Conditional Certification.

(1) The Executive Director may conditionally certify a candidate for the Board of Supervisors in order to comply with the 30-day requirement set forth in subsection (a) of this regulation and subsection (c) of section 1.142. The Executive Director may issue a conditional certification if a candidate for the Board of Supervisors has satisfied every requirement for certification except the requirement that the candidate be opposed by another candidate who has either established eligibility to receive public financing, or has received contributions or made expenditures which in the aggregate equal or



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(2) The Executive Director may conditionally certify a candidate for the Mayor in order to comply with the 30-day requirement set forth in subsection (a) of this regulation and subsection (c) of section 1.142. The Executive Director may issue a conditional certification if a candidate for Mayor has satisfied every requirement for certification except the requirement that the candidate be opposed by another candidate who has either established eligibility to receive public financing, or has received contributions or made expenditures which in the aggregate equal or exceed \$50,000. A candidate who has received a conditional certification shall be eligible to begin to receive public financing at any time after the Executive Director determines that the candidate is opposed by another candidate who has either established eligibility to receive public financing, or has received contributions or made expenditures which in the aggregate equal or exceed \$50,000. A conditional certification, by itself, does not establish that a candidate is eligible to receive public funds.

Regulation 1.170-1: Provision of Documents.

The Ethics Commission may specify and require the method by which evidence, records, documents, and information is provided for audits and investigations, including in electronic format. Failure to provide evidence, records, documents, or information in the format specified by the Ethics Commission constitutes withholding such materials.

Regulation 1.170-2: Provision of Documents.

Failure to provide evidence, records, documents, or information requested pursuant to a subpoena from the Ethics Commission, or to provide a timely response to a subpoena, constitutes withholding of such materials.