

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Disclosure Requirements for Draft Committees]

Ordinance amending the Campaign and Governmental Conduct Code by adding Section 1.160, to impose disclosure requirements on draft committees that support a person for City elective office who has not qualified as a candidate.

Existing Law

Existing law does not specifically address whether committees that seek to “draft” a candidate for City elective office must disclose their financial activity.

Amendments to Current Law

The proposed legislation would require “draft committees,” political committees that support the qualification or election of an identifiable person to City elective office who has not qualified as a candidate, to file campaign statements as “primarily formed committees.” To qualify as a draft committee, the committee would also be required to either receive contributions of \$1,000 or more or make expenditures of \$1,000 or more.

If the identifiable person supported by a draft committee qualifies as a candidate for City elective office, the draft committee would be required to continue to file as a primarily formed committee supporting that candidate, unless it formally terminates its activities.

Background Information

A “primarily formed committee” is a political committee that supports or opposes a single candidate or measure, or a group of measures or candidates appearing on the same ballot. Cal. Gov. Code § 82047.5; 2 C.C.R. § 18247.5(a). Under state law, primarily formed committees must file preelection statements with the Ethics Commission and comply with specific committee naming requirements. *Id.* § 18247.5(b)-(c).

Under Campaign and Governmental Conduct Code section 1.103, the Board of Supervisors may amend the campaign finance provisions of the Code if:

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

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

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

On November 26, 2012, the Ethics Commission unanimously approved the proposed legislation.

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