

1 [Transferring \$5 million from the Election Campaign Fund to the General Fund.]

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3 **Ordinance amending Chapter 1 of Article I of the Campaign and Governmental Conduct**
4 **Code by amending sections 1.138 and 1.144 to transfer \$5 million from the Election**
5 **Campaign Fund to the General Fund in the fiscal year beginning July 1, 2007.**

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

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

10 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
11 amended by amending Sections 1.138 and 1.144, to read as follows:

12 SEC. 1.138. ELECTION CAMPAIGN FUND; APPROPRIATION OF FUNDS.

13 (a) ESTABLISHMENT OF ELECTION CAMPAIGN FUND. There is hereby
14 established a special fund of the City and County of San Francisco called the Election
15 Campaign Fund. All money deposited in the Fund is hereby appropriated for use as specified
16 in this Chapter and the implementing regulations.

17 (b) APPROPRIATION TO ELECTION CAMPAIGN FUND.

18 Except as provided in subsections (b)(3) and (b)(4), each fiscal year the City and
19 County of San Francisco shall appropriate \$2.75 per resident of the City and County of San
20 Francisco to the Election Campaign Fund to provide funding for election campaigns as
21 authorized by this Chapter for all candidates for Mayor or the Board of Supervisors who may
22 be eligible to receive such funds. At the request of the Ethics Commission, the Controller
23 shall estimate the number of residents of the City and County of San Francisco for purposes
24 of this subsection.

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1 (1) Except as provided in subsection (b)(5), Any funds in the Election Campaign Fund not
2 used in one election shall be carried over for use in the following election, provided that at no
3 time shall the total amount in the Election Campaign Fund exceed \$13.5 million. Any funds in
4 the Election Campaign Fund in excess of \$13.5 million shall be returned to the General Fund.

5 (2) Funds necessary for the Ethics Commission to administer the public financing
6 program for candidates for Mayor or the Board of Supervisors authorized under section 1.136
7 of this Chapter shall be taken from the Election Campaign Fund. The Commission's
8 administrative expenses for such public financing program for any election shall not exceed
9 15% of the total amount of funds in the Election Campaign Fund for that election.

10 (3) If the Office of Mayor becomes vacant and an election is held to fill the vacancy for
11 the remainder of the term, the City and County of San Francisco shall appropriate additional
12 funds to the Election Campaign Fund in an amount that ensures that at least \$8.00 per
13 resident is available in the Election Campaign Fund for that election and the next regularly
14 scheduled Mayoral election.

15 (4) If an office of a member of the Board of Supervisors becomes vacant and an
16 election is held to fill the vacancy for the remainder of the term, the City and County of San
17 Francisco shall appropriate an additional \$0.25 per resident to the Election Campaign Fund
18 for that election. These additional funds shall not be subject to the limit in subsection (b)(1) of
19 this section. Any funds appropriated pursuant to this subsection that are not used for the
20 election to fill the vacancy shall be returned to the General Fund.

21 (5) In the fiscal year beginning July 1, 2007, \$5 million of the funds in the Election Campaign
22 Fund shall be returned to the General Fund.

23 SEC. 1.144. DISBURSEMENT OF PUBLIC FUNDS.

24 (a) PAYMENT BY CONTROLLER.

1 Upon certifying that a candidate is eligible to receive public financing under this
2 Chapter, the Executive Director shall forward the certification to the Controller, and the
3 Controller shall disburse payments to the candidate from the Election Campaign Fund in
4 accordance with the certification and this Section.

5 (b) TIME OF PAYMENTS.

6 The Controller shall not make any payments under this Chapter to any candidate more
7 than nine (9) months before the date of the election. Payments from the Controller shall be
8 disbursed to eligible candidates within 48 hours of the Controller receiving notification from the
9 Ethics Commission regarding the amount of the disbursement, except that within 60 calendar
10 days before the election, such payments shall be made within 24 hours.

11 (c) PAYMENTS FOR ELECTION EXPENSES TO CANDIDATES FOR MAYOR.

12 (1) Until the Per Candidate Available Disbursement Limit has been determined,
13 candidates for Mayor who have been certified by the Ethics Commission as eligible to receive
14 public financing for their election campaigns will have access to up to \$850,000.00 in funds
15 from the Election Campaign Fund on a first come, first served basis according to the formula
16 set forth in Subsection (c)(3) of this Section.

17 (2) Once the Per Candidate Available Disbursement Limit has been determined,
18 candidates for Mayor who have been certified by the Ethics Commission as eligible to receive
19 public financing for their election campaigns shall have access to funds from the Election
20 Campaign Fund as follows:

21 (A) If the Executive Director determines that the Per Candidate Available
22 Disbursement Limit is greater than \$850,000.00, each participating candidate shall have
23 access to the amount of the Per Candidate Disbursement, subject to the limitations set forth
24 under Subsection (c)(3)(D) and (c)(3)(E) of this Section.

1 (B) If the Executive Director determines the Per Candidate Available Disbursement
2 Limit is less than or equal to \$850,000.00, participating candidates shall have access to funds
3 from the Election Campaign Fund on a first come, first served basis up to a maximum per
4 candidate of \$850,000.00.

5 (3) A candidate for Mayor who is certified as eligible to receive public financing under
6 this Chapter shall receive payments for eligible matching contributions according to the
7 following formula:

8 (A) Upon qualification the candidate shall receive a one-time payment of \$50,000.00
9 from the Election Campaign Fund.

10 (B) After the initial payment under Subsection (c)(3)(A), for the first \$100,000.00 in
11 matching contributions raised by the candidate, the candidate shall receive four dollars from
12 the Election Campaign Fund for each dollar raised.

13 (C) After the payments under Subsection (c)(3)(B), for the next \$400,000.00 in
14 matching contributions raised by the candidate, the candidate shall receive one dollar from the
15 Election Campaign Fund for each dollar raised.

16 (D) The maximum amount of public funds a mayoral candidate may receive is
17 \$850,000.00, unless the candidate's Individual Expenditure Ceiling is lifted according to the
18 rules set forth under Section 1.134.5. The amount of public funds paid under this Section
19 shall not be affected by the lifting of expenditure limits under Section 1.134.

20 (E) If the Per Candidate Available Disbursement Limit has been determined to be an
21 amount greater than \$850,000.00, a candidate who has already received at least \$850,000.00
22 in disbursements from the City shall continue to be eligible to receive public funds from the
23 City at the rate of one dollar for each dollar of a matching contribution raised up to the Per
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1 Candidate Disbursement Limit, provided that no funds shall be disbursed if disbursement of
2 the funds would result in the candidate exceeding his or her Trust Account Limit.

3 (d) PAYMENTS FOR ELECTION EXPENSES TO CANDIDATES FOR THE BOARD
4 OF SUPERVISORS.

5 (1) Until the Per Candidate Available Disbursement Limit has been determined,
6 candidates for the Board of Supervisors who have been certified by the Ethics Commission as
7 eligible to receive public financing for their election campaigns will have access to up to
8 \$87,500.00 in funds from the Election Campaign Fund on a first come, first served basis
9 according to the formula set forth in Subsection (d)(3) of this Section.

10 (2) Once the Per Candidate Available Disbursement Limit has been determined,
11 candidates for the Board of Supervisors who have been certified by the Ethics Commission as
12 eligible to receive public financing for their election campaigns shall have access to funds
13 from the Election Campaign Fund as follows:

14 (A) If the Executive Director determines that the Per Candidate Available
15 Disbursement Limit is greater than \$87,500.00, each participating candidate shall have
16 access to the amount of the Per Candidate Disbursement, subject to the limitations set forth
17 under Subsection (d)(3)(D) and (d)(3)(E) of this Section.

18 (B) If the Executive Director determines the Per Candidate Available Disbursement
19 Limit is less than or equal to \$87,500.00, participating candidates shall have access to funds
20 from the Election Campaign Fund on a first come, first served basis up to a maximum per
21 candidate of \$87,500.00.

22 (3) A candidate for the Board of Supervisors who is certified as eligible to receive
23 public financing under this Chapter shall receive payments for eligible matching contributions
24 according to the following formula:
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1 (A) Upon qualification the candidate shall receive a one-time payment of \$10,000.00
2 from the Election Campaign Fund.

3 (B) After the initial payment under Subsection (d)(3)(A), for the first \$10,000.00 in
4 matching contributions raised by the candidate, the candidate shall receive four dollars from
5 the Election Campaign Fund for each dollar raised.

6 (C) After the payments under Subsection (d)(3)(B), for the next \$37,500.00 in
7 matching contributions raised by the candidate, the candidate shall receive one dollar from the
8 Election Campaign Fund for each dollar raised.

9 (D) The maximum amount of public funds a candidate for the Board of Supervisors
10 may receive is \$87,500.00, unless the candidate's Individual Expenditure Ceiling is lifted
11 according to the rules set forth under Section 1.134.5. The amount of public funds paid under
12 this Section shall not be affected by the lifting of expenditure limits under Section 1.134.

13 (E) If the Per Candidate Available Disbursement Limit has been determined to be an
14 amount greater than \$87,500.00, a candidate who has already received at least \$87,500.00 in
15 disbursements from the City shall continue to be eligible to receive public funds from the City
16 at the rate of one dollar for each dollar of a matching contribution raised up to the Per
17 Candidate Disbursement Limit, provided that no funds shall be disbursed if disbursement of
18 the funds would result in the candidate exceeding his or her Trust Account Limit.

19 (e) PER CANDIDATE AVAILABLE DISBURSEMENT LIMIT.

20 On the 59th day before the election, the Executive Director shall divide the total amount
21 of non-administrative funds in the Election Campaign Fund by the number of qualified
22 candidates. This number shall be deemed the Per Candidate Available Disbursement Limit.
23 For the purposes of this section, the total amount of non-administrative funds in the Election
24 Campaign Fund shall be the total amount of funds that existed in the Fund nine months before
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1 the date of election plus any funds deposited into the Fund between that date and the 59th
2 day before the election minus any funds transferred from the Fund to the General Fund pursuant to
3 section 1.138 and any funds necessary to cover the administrative costs associated with
4 implementing the public financing program for the next election.

5 If there are candidates who have submitted a Declaration of Qualification but whose
6 eligibility has not been determined as of the 59th day before the election, the Executive
7 Director shall assume that they are qualified for the purposes of determining the Per
8 Candidate Available Disbursement Limit. The Per Candidate Available Disbursement Limit
9 shall be revised upward according to the formula above if and when it is determined that the
10 candidate or candidates in question did not qualify to receive public financing.

11 Immediately upon calculating the Per Candidate Available Disbursement Limit, the
12 Executive Director shall inform the Controller of the initial determination of the Per Candidate
13 Available Disbursement Limit. Thereafter, the Executive Director shall immediately inform the
14 Controller of any subsequent changes in the Per Candidate Available Disbursement Limit due
15 to a determination that a candidate has not qualified to receive public financing.

16 (f) SUBMISSION OF CLAIMS FOR PUBLIC FUNDS. The Ethics Commission shall
17 determine the information needed to submit a claim for payment of public funds. The
18 Executive Director shall certify each request for payment of public funds within four business
19 days of the request, except that within 14 calendar days before the election, when the
20 certification of a request for public funds shall be made within two business days of the
21 request. For candidates for Mayor, any submission of a claim for public funds must include a
22 minimum of \$5,000.00 of matching contributions; provided that in the 14 calendar days
23 preceding an election, a claim must include a minimum of \$1,000.00 of matching
24 contributions. For candidates for the Board of Supervisors, any submission of a claim for
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1 public funds must include a minimum of \$500.00 of matching contributions; provided that in
2 the 14 calendar days preceding an election, a claim must include a minimum of \$100.00 of
3 matching contributions. All claims for public funds must be submitted no later than 5:00 p.m.
4 on the 30th day following the date of the election.

5 (g) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT.

6 Candidates must deposit all payments received from the Election Campaign Fund in
7 the candidate's Campaign Contribution Trust Account.

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

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12 By: _____
JONATHAN GIVNER
Deputy City Attorney

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