

1 [Campaign and Governmental Conduct Code - Amending Campaign Disclaimer and
2 Disclosure Requirements]

3 **Ordinance amending the Campaign and Governmental Conduct Code to simplify and**
4 **consolidate campaign finance disclaimer and disclosure requirements.**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.
7 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
8 **Board amendment additions** are in double-underlined Arial font.
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.
10 **Asterisks (* * * *)** indicate the omission of unchanged Code
11 subsections or parts of tables.

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

13 Section 1. The Board of Supervisors of the City and County of San Francisco hereby
14 finds and determines that:

15 (a) The San Francisco Campaign Finance Reform Ordinance (“CFRO”) was enacted
16 in order to enhance the integrity of the election process and the competitiveness of campaigns
17 in the City and County of San Francisco (the “City”). CFRO’s specific purposes include
18 ensuring that all individuals and interest groups in the City have a fair opportunity to
19 participate in elective and governmental processes and assisting voters in making informed
20 electoral decisions.

21 (b) Given recent case law, certain of CFRO’s contribution limits have been struck
22 down, or are likely to be struck down, by the courts. Removing the CFRO provisions
23 containing those limits will help to ensure that CFRO is consistent with existing law.

24 (c) Over the years, CFRO’s reporting and disclaimer requirements for persons sending
25 election-related communications in City elections require consolidation and simplification,
particularly given overlapping state law requirements covering the same activity. These

1 improvements will provide voters with relevant information about local candidates and ballot
2 measures, and help candidates and committees comply with these local requirements.

3
4 Section 2. The Campaign and Governmental Conduct Code is hereby amended by
5 revising Sections 1.104, 1.114, 1.134, 1.135, 1.143, 1.152, 1.160.5, 1.161, 1.161.5, 1.162,
6 and 1.163, to read as follows:

7 SEC. 1.104. DEFINITIONS.

8 Whenever in this Chapter the following words or phrases are used, they shall mean:

9 "Advertisement" shall be defined as set forth in the California Political Reform Act, California
10 Government Code section 81000 et seq. and its enabling regulations, provided that the advertisement
11 supports or opposes one or more City measures or candidates for City elective office.

12 ~~(a)~~ "Candidate" shall be defined as set forth in the California Political Reform Act,
13 California Government Code section 81000, et seq., but shall include only candidates for City
14 elective office.

15 ~~(b)~~ "Candidate committee" shall mean a committee controlled by a candidate, and
16 primarily formed to support that candidate's election for City elective office.

17 ~~(c)~~ "Charitable organization" shall mean an entity exempt from taxation pursuant to
18 Title 26, Section 501 of the United States Code.

19 ~~(d)~~ "City elective office" shall mean the offices of Mayor, Member of the Board of
20 Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender,
21 Member of the Board of Education of the San Francisco Unified School District and Member
22 of the Governing Board of the San Francisco Community College District. The Board of
23 Supervisors consists of eleven separate City elective offices, the San Francisco Community
24 College District consists of seven separate City elective offices, and the Board of Education of
25 the San Francisco Unified School District consists of seven separate City elective offices.

1 ~~(e)~~ "Code" shall mean the San Francisco Campaign and Governmental Conduct Code.

2 ~~(f)~~ "Committee" shall be defined as set forth in the California Political Reform Act,
3 California Government Code section 81000, et seq.

4 ~~(g)~~ "Contribution" shall be defined as set forth in the California Political Reform Act,
5 California Government Code section 81000, et seq.; provided, however, that "contribution"
6 shall include loans of any kind or nature.

7 ~~(h)~~ "Controlled committee" shall be defined as set forth in the California Political
8 Reform Act, California Government Code section 81000, et seq.

9 "Distributed" and "distribution" shall mean any act that permits a communication to be
10 viewed, read or heard.

11 ~~(i)~~ "Election" shall mean any general, or special municipal election held in the City and
12 County of San Francisco for City elective office or for a local measure, regardless of whether
13 the election is conducted by district or Citywide.

14 "Electioneering communication" shall mean any communication, including but not limited to
15 any broadcast, cable, satellite, radio, electronic, or telephone communication, and any mailing, flyer,
16 doorhanger, pamphlet, brochure, card, sign, billboard, facsimile, or printed advertisement, that:

17 (a) refers to a clearly identified candidate for City elective office or a City elective
18 officer who is the subject of a recall election; and

19 (b) is distributed within 90 days prior to an election for the City elective office sought
20 by the candidate or a recall election regarding the City elective officer to 500 or more individuals who
21 are registered to vote or eligible to register to vote in the election or recall election. There shall be a
22 rebuttable presumption that any broadcast, cable, satellite, or radio communication and any sign,
23 billboard or printed advertisement is distributed to 500 or more individuals who are eligible to vote for
24 or against the candidate clearly identified in the communication.

25 (c) The term "electioneering communication" shall not include:

1 (1) communications that constitute independent expenditures under this Chapter
2 or expenditures by a candidate committee for the candidate's election;

3 (2) communications made by a slate mailer organization if such communications
4 are required to be disclosed under the California Political Reform Act, California Government Code
5 Section 81000, et seq.;

6 (3) communications paid for by the City or any other local, State or Federal
7 government agency;

8 (4) non-recorded communications between two or more individuals in direct
9 conversation unless such communications are made by telephone and at least one of the individuals is
10 compensated for the purposes of making the telephone communication;

11 (5) communications that appear on bumper stickers, pins, stickers, hat bands,
12 badges, ribbons and other similar memorabilia;

13 (6) news stories, commentaries or editorials distributed through any newspaper,
14 radio station, television station, or other recognized news medium unless such news medium is owned
15 or controlled by any political party, political committee or candidate;

16 (7) member communications;

17 (8) communications that occur during a candidate debate or forum;

18 (9) communications made solely to promote a candidate debate or forum made
19 by or on behalf of the person sponsoring the debate or forum, provided that such communications do
20 not otherwise discuss the positions or experience of a candidate for City elective office or a City
21 elective officer who is the subject of a recall election; and

22 (10) invitations sent by an entity exempt from taxation pursuant to Title 26,
23 Section 501(c)(3) of the United States Code for its own fundraising event.

24 ~~(j)~~ "Enforcement authority" shall mean the District Attorney for criminal enforcement,
25 the City Attorney for civil enforcement, and the Ethics Commission for administrative

1 enforcement. Nothing in this Chapter shall be construed as limiting the authority of any law
2 enforcement agency or prosecuting attorney to enforce the provisions of this Chapter under
3 any circumstances where such law enforcement agency or prosecuting attorney otherwise
4 has lawful authority to do so.

5 ~~(f)~~ "Ethics Commission" shall mean the San Francisco Ethics Commission.

6 ~~(f)~~ "Executive Director" shall mean the Executive Director of the Ethics Commission, or
7 the Executive Director's designee.

8 ~~(m)~~ "General purpose committee" shall be defined as set forth in the California Political
9 Reform Act, California Government Code section 81000 et seq.

10 ~~(n)~~ "Independent expenditure" shall be defined as set forth in the California Political
11 Reform Act, California Government Code section 81000 et seq. An expenditure is not
12 considered independent and shall be treated as a contribution from the person making the
13 expenditure to the candidate on whose behalf or for whose benefit the expenditure is made, if
14 the expenditure is made at the request, suggestion, or direction of, or in cooperation,
15 consultation, concert or coordination with, the candidate on whose behalf, or for whose
16 benefit, the expenditure is made.

17 ~~(o)~~ "Individual Expenditure Ceiling" shall mean the expenditure ceiling established for
18 each individual candidate for Mayor or the Board of Supervisors whom the Ethics Commission
19 has certified as eligible to receive public funds under this Chapter.

20 ~~(p)~~ "Itemized disclosure statement" shall mean a form promulgated by the Ethics
21 Commission that provides a detailed description of the separate costs associated with a
22 communication, including but not limited to photography, design, production, printing,
23 distribution, and postage.

1 ~~(g)~~ "Mass mailing" shall be defined as set forth in the California Political Reform Act,
2 California Government Code section 81000 et seq., provided that the mass mailing advocates
3 for or against one or more candidates for City elective office.

4 ~~(h)~~ "Matching contribution" shall mean a contribution up to \$500, made by an
5 individual, other than the candidate, who is a resident of San Francisco. Matching
6 contributions shall not include loans, contributions received more than 18 months before the
7 date of the election, qualifying contributions or contributions made by the candidate's spouse,
8 registered domestic partner or dependent child. Matching contributions must also comply with
9 all requirements of this Chapter. Matching contributions under \$100 that are not made by
10 written instrument must be accompanied by written documentation sufficient to establish the
11 contributor's name and address. The Ethics Commission shall set forth, by regulation, the
12 types of documents sufficient to establish a contributor's name and address for the purpose of
13 this subsection.

14 ~~(i)~~ "Measure" shall mean any City, San Francisco Unified School District or San
15 Francisco Community College District referendum, recall or ballot proposition, whether or not
16 it qualifies for the ballot.

17 ~~(j)~~ "Member communication" shall ~~mean a communication made by an organization or its~~
18 ~~committee for the publication, dissemination or communication to the organization's members,~~
19 ~~employees or shareholders, or to the families of the organization's members, employees or~~
20 ~~shareholders by newsletter, letter, flyer, e-mail or similar written or spoken material, that supports or~~
21 ~~opposes a candidate or measure~~ be defined as set forth in the California Political Reform Act,
22 California Government Code section 81000 et seq. and its enabling regulations, provided that the
23 communication advocates for or against one or more City measures or candidates for City elective
24 office.

1 ~~(tt)~~ "Person" shall mean any individual, partnership, corporation, association, firm,
2 committee, club or other organization or group of persons, however organized.

3 ~~(v)~~ "Qualified campaign expenditure" for candidates shall mean all of the following:

4 ~~(1a)~~ Any expenditure made by a candidate, or by a committee controlled by the
5 candidate, for the purpose of influencing or attempting to influence the actions of the voters for
6 the election of the candidate to City elective office.

7 ~~(2b)~~ A nonmonetary contribution provided to the candidate, officeholder or
8 committee controlled by the candidate.

9 ~~(3c)~~ The total cost actually paid or incurred by the candidate or controlled
10 committee of the candidate for a slate mailing or other campaign literature produced or
11 authorized by more than one candidate.

12 ~~(4d)~~ Expenses incurred, but for which payment has not yet been made.

13 ~~(5e)~~ Expenses associated with complying with applicable laws, including but not
14 limited to the California Political Reform Act, California Government Code Section 81000, et
15 seq., and the provisions of this Chapter.

16 ~~(6f)~~ "Qualified campaign expenditure" shall not include filing fees, expenses
17 incurred in connection with an administrative or judicial proceeding, payments for
18 administrative, civil or criminal fines, including late filing fees, costs incurred after the election
19 that do not directly affect the outcome of the election, including but not limited to utility bills,
20 expenses associated with an audit, and expenses related to preparing post-election campaign
21 finance disclosure reports as required by the California Political Reform Act, California
22 Government Code Section 81000, et seq., and the provisions of this Chapter, or for inaugural
23 activities or officeholder expenses.

24 ~~(w)~~ "Qualifying contribution" shall mean a contribution of not less than \$10 and not
25 more than \$100 that is made by an individual who is a resident of San Francisco and that

1 complies with all requirements of this Chapter. Qualifying contributions shall not include
2 loans, contributions received more than 18 months before the date of the election or
3 contributions made by the candidate or the candidate's spouse, registered domestic partner or
4 dependent child. Qualifying contributions under \$100 that are not made by written instrument
5 must be accompanied by written documentation sufficient to establish the contributor's name
6 and address. The Ethics Commission shall set forth, by regulation, the types of documents
7 sufficient to establish a contributor's name and address for the purpose of this subsection.

8 ~~(e)~~ "Recorded telephone message" shall mean a recorded audio message that
9 expressly supports or opposes a candidate for City elective office that is distributed by
10 telephone.

11 "Refers to a clearly identified candidate for City elective office or a City elective officer who is
12 the subject of a recall election" shall mean any communication that contains the candidate's or officer's
13 name, nickname or image or makes any other unambiguous reference to the candidate or officer such
14 as "your Supervisor" or "the incumbent."

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

21 ~~(g)~~ "Total Opposition Spending" shall mean the sum of any expenditures made or
22 expenses incurred by any person or persons for the purpose of making independent
23 expenditures, electioneering communications or member communications in opposition to a
24 specific candidate for Mayor or the Board of Supervisors.

1 ~~(aa)~~ "Total Supportive Funds" shall mean the sum of all contributions received by a
2 candidate committee supporting a candidate for Mayor or the Board of Supervisors, other than
3 any funds in the candidate's Campaign Contingency Account exceeding the candidate
4 committee's Trust Account Limit, plus the expenditures made or expenses incurred by any
5 person or persons for the purpose of making independent expenditures, electioneering
6 communications or member communications in support of that same candidate.

7 ~~(bb)~~ "Trust Account Limit" shall mean the amount of funds in the Campaign
8 Contribution Trust Account of a candidate committee supporting a candidate for Mayor or the
9 Board of Supervisors whom the Ethics Commission has certified as eligible to receive public
10 funds under this Chapter such that the expenditure of this amount would cause the candidate
11 to reach, but not exceed, the candidate's Individual Expenditure Ceiling. The Trust Account
12 Limit shall be reduced as the candidate spends money and shall be increased when his or her
13 Individual Expenditure Ceiling increases.

14 ~~(cc)~~ "Unexpended public funds" shall mean all funds remaining in the candidate
15 committee's account on the 30th day after the candidate controlling the committee is either
16 elected or not elected to office, regardless of the source of the funds, but shall not exceed the
17 amount of public funds provided to the candidate. Funds raised after this date are not
18 unexpended funds.

19 ~~(dd)~~ "Voter" shall mean an individual registered to vote in San Francisco.

20 ~~(ee)~~ "Withdrawal" or "withdraw" shall mean, prior to an election, ending one's
21 candidacy or failing to qualify for an office for which a candidate has solicited or accepted
22 contributions.

23 ~~(ff)~~ "Written instrument" shall mean a check, credit card receipt, or record of electronic
24 transfer of funds.

25 SEC. 1.114. CONTRIBUTION LIMITS.

1 (a) LIMITS ON CONTRIBUTIONS TO CANDIDATES. No person other than a candidate
2 shall make, and no campaign treasurer for a candidate committee shall solicit or accept, any
3 contribution which will cause the total amount contributed by such person to such candidate committee
4 in an election to exceed \$500.

5 ~~(1) Per Candidate Limit. No person other than a candidate shall make, and no~~
6 ~~campaign treasurer for a candidate committee shall solicit or accept, any contribution which will cause~~
7 ~~the total amount contributed by such person to such candidate committee in an election to exceed \$500.~~

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

11 (b) LIMITS ON CONTRIBUTIONS FROM CORPORATIONS. No corporation
12 organized pursuant to the laws of the State of California, the United States, or any other state,
13 territory, or foreign country, whether for profit or not, shall make a contribution to a candidate
14 committee, provided that nothing in this subsection shall prohibit such a corporation from
15 establishing, administering, and soliciting contributions to a separate segregated fund to be
16 utilized for political purposes by the corporation, provided that the separate segregated fund
17 complies with the requirements of Federal law including Sections 432(e) and 441b of Title 2 of
18 the United States Code and any subsequent amendments to those Sections.

19 ~~(c) LIMITS ON CONTRIBUTIONS TO COMMITTEES.~~

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

23 ~~(2) Overall Limit. No person shall make, and no committee treasurer shall solicit or~~
24 ~~accept, any contribution which will cause the total amount contributed by such person to all~~
25 ~~committees to exceed \$3,000 per calendar year.~~

1 ~~(3) Definitions. For purposes of this Subsection, "committee" shall mean any committee~~
2 ~~making expenditures to support or oppose a candidate, but shall not include candidate committees.~~

3 (~~4~~) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.

4 (1) General Rule. For purposes of the contribution limits imposed by this
5 Section and Section 1.120 the contributions of an entity whose contributions are directed and
6 controlled by any individual shall be aggregated with contributions made by that individual and
7 any other entity whose contributions are directed and controlled by the same individual.

8 (2) Multiple Entity Contributions Controlled by the Same Persons. If two or
9 more entities make contributions that are directed and controlled by a majority of the same
10 persons, the contributions of those entities shall be aggregated.

11 (3) Majority-Owned Entities. Contributions made by entities that are majority-
12 owned by any person shall be aggregated with the contributions of the majority owner and all
13 other entities majority-owned by that person, unless those entities act independently in their
14 decisions to make contributions.

15 (4) Definition. For purposes of this Section, the term "entity" means any person
16 other than an individual and "majority-owned" means a direct or indirect ownership of more
17 than 50 percent.

18 (~~5~~) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of
19 contributions received from a contributor is \$100 or more, the committee shall not deposit any
20 contribution that causes the total amount contributed by a person to equal or exceed \$100
21 unless the committee has the following information: the contributor's full name; the
22 contributor's street address; the contributor's occupation; and the name of the contributor's
23 employer or, if the contributor is self-employed, the name of the contributor's business. A
24 committee will be deemed not to have had the required contributor information at the time the
25

1 contribution was deposited if the required contributor information is not reported on the first
2 campaign statement on which the contribution is required to be reported.

3 (~~fe~~) FORFEITURE OF UNLAWFUL CONTRIBUTIONS. In addition to any other
4 penalty, each committee that receives a contribution which exceeds the limits imposed by this
5 Section or which does not comply with the requirements of this Section shall pay promptly the
6 amount received or deposited in excess of the amount permitted by this Section to the City
7 and County of San Francisco and deliver the payment to the Ethics Commission for deposit in
8 the General Fund of the City and County; provided that the Ethics Commission may provide
9 for the waiver or reduction of the forfeiture.

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

22 SEC. 1.134. LIFTING OF VOLUNTARY EXPENDITURE CEILINGS;
23 SUPPLEMENTAL REPORTING IN ELECTIONS FOR ASSESSOR, PUBLIC DEFENDER,
24 CITY ATTORNEY, DISTRICT ATTORNEY, TREASURER, SHERIFF, THE BOARD OF
25

1 EDUCATION OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, OR THE
2 GOVERNING BOARD OF THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT.

3 This Section shall apply only if at least one candidate for the City elective office has
4 accepted the applicable voluntary expenditure ceiling, and the Ethics Commission has not
5 lifted that voluntary expenditure ceiling. This Section applies only to candidates for Assessor,
6 Public Defender, City Attorney, District Attorney, Treasurer, Sheriff, the Board of Education of
7 the San Francisco Unified School District, or the Governing Board of the San Francisco
8 Community College District.

9 (a) The voluntary expenditure ceiling shall no longer be binding on a candidate:

10 (1) If a candidate seeking election to the same City elective office, who has
11 declined to accept the voluntary expenditure ceiling, receives contributions or makes qualified
12 campaign expenditures in excess of 100 percent of the applicable voluntary expenditure
13 ceiling,

14 (2) If a person or persons make expenditures or payments, or incur expenses
15 for the purpose of making independent expenditures, electioneering communications or
16 member communications that total more than 100 percent of the applicable voluntary
17 expenditure ceiling, and those expenditures or communications clearly identify a candidate
18 seeking election to the same City elective office, or

19 (3) If a candidate seeking election to the same City elective office, who has
20 accepted the voluntary expenditure ceiling, makes qualified campaign expenditures in excess
21 of 100 percent of the voluntary expenditure ceiling.

22 (b) Any candidate committee that receives contributions, makes qualified campaign
23 expenditures, incurs expenses or has funds in its Campaign Contribution Trust Account that
24 total more than 100 percent of the applicable voluntary expenditure ceiling shall, within 24
25 hours of exceeding 100 percent of the applicable voluntary expenditure ceiling, file a

1 statement with the Ethics Commission, on forms to be provided by the Ethics Commission,
2 stating that fact and any additional information required by the Ethics Commission.

3 ~~(e) Any person other than a candidate committee who makes expenditures or payments, or~~
4 ~~incurs expenses for the purpose of distributing independent expenditures, electioneering~~
5 ~~communications or member communications that clearly identify any candidate in an amount that in~~
6 ~~the aggregate equals or exceeds \$5,000 per candidate shall, within 24 hours of reaching or exceeding~~
7 ~~this threshold, file a statement with the Ethics Commission. The statement shall include a legible copy~~
8 ~~of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio~~
9 ~~or video, disclose the cost of each communication, and provide any additional information required by~~
10 ~~the Ethics Commission.~~

11 ~~Thereafter, until the Ethics Commission lifts the applicable voluntary expenditure ceiling, any~~
12 ~~such person shall file a supplemental statement with the Ethics Commission each time the person makes~~
13 ~~expenditures for the purpose of distributing independent expenditures, electioneering communications~~
14 ~~or member communications that clearly identify any candidate in an amount that in the aggregate~~
15 ~~equals or exceeds an additional \$5,000 per candidate. The supplemental statements shall be filed~~
16 ~~within 24 hours of reaching or exceeding this threshold, and shall include a legible copy of the~~
17 ~~communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or~~
18 ~~video, disclose the cost of each communication, and provide any additional information required by the~~
19 ~~Ethics Commission.~~

20 ~~(dc) Within one business day after receiving a notice indicating that the thresholds in~~
21 ~~subsection (a) have been met, the Ethics Commission shall inform every candidate in the same race that~~
22 ~~the expenditure ceiling has been lifted. The Executive Director shall promptly review statements filed~~
23 ~~pursuant to state and local law, including California Government Code section 84204 and Sections~~
24 ~~1.161, 1.162, and 1.163 of this Chapter, to determine whether a communication supports or opposes~~
25 ~~one or more candidates.~~

1 (d) Within one business day after determining that the threshold listed in subsection (a) has
2 been met with respect to an office appearing on the ballot, the Executive Director shall inform every
3 candidate for that office that the Ethics Commission has lifted the applicable voluntary expenditure
4 ceiling. The Executive Director shall also post a notice on the Ethics Commission's website and send
5 written notice by email to any other person who has requested such notice.

6 SEC. 1.135. SUPPLEMENTAL PRE-ELECTION STATEMENTS.

7 (a) Supplemental Preelection Statements. In addition to the campaign disclosure
8 requirements imposed by the California Political Reform Act and other provisions of this
9 Chapter, ~~all~~ a San Francisco general purpose committees that makes contributions or
10 expenditures totaling \$500 or more during the period covered by the preelection statement, other than
11 expenditures for the establishment and administration of that committee, shall file a preelection
12 statements before any election held in the City and County of San Francisco at which a
13 candidate for City elective office or City measure is on the ballot, ~~if the committee makes~~
14 ~~contributions or expenditures totaling \$500 or more during the period covered by the preelection~~
15 ~~statement.~~

16 (b) Time for Filing Supplemental Preelection Statements. In even-numbered years,
17 preelection statements required by this Section shall be filed pursuant to the preelection
18 statement filing schedule established by the Fair Political Practices Commission for county
19 general purpose recipient committees. In odd-numbered years, the filing schedule is as
20 follows:

21 (1) For the period ending 45 days before the election, the statement shall be
22 filed no later than 40 days before the election;

23 (2) For the period ending 17 days before the election, the statement shall be
24 filed no later than 12 days before the election.

25 (c) The Ethics Commission may require that these statements be filed electronically.

1 SEC. 1.143. ADJUSTING INDIVIDUAL EXPENDITURE CEILINGS.

2 This Section shall apply only if the Ethics Commission has certified that at least one
3 candidate for Mayor or the Board of Supervisors is eligible to receive public funds under this
4 Chapter.

5 (a) The Executive Director shall adjust the Individual Expenditure Ceiling of a
6 candidate for Mayor to an amount equal to the sum of the Total Opposition Spending against
7 that candidate and the highest level of the Total Supportive Funds of any other candidate for
8 Mayor if such amount is greater than \$1,475,000, provided that the Executive Director may
9 adjust a candidate's Individual Expenditure Ceilings only in increments of \$100,000.

10 (b) The Executive Director shall adjust the Individual Expenditure Ceiling of a
11 candidate for the Board of Supervisors to an amount equal to the sum of the Total Opposition
12 Spending against that candidate and the highest level of the Total Supportive Funds of any
13 other candidate for the same office on the Board of Supervisors if such amount is greater than
14 \$250,000, provided the Executive Director may adjust a candidate's Individual Expenditure
15 Ceiling only in increments of \$10,000.

16 (c) ~~No later than the second business day after a statement is filed pursuant to Section~~
17 ~~1.152(a)(3) or (b)(3) of this Chapter, the Executive Director shall determine whether the~~
18 ~~communication supports or opposes one or more candidates. The Executive Director shall promptly~~
19 ~~review statements filed pursuant to state and local law, including Government Code section 84204 and~~
20 ~~Sections 1.161, 1.162, and 1.163 of this Chapter, to determine whether a communication supports or~~
21 ~~opposes one or more candidates.~~

22 Factors the Executive Director shall use to determine whether the communication
23 supports or opposes one or more candidates include the following:

- 24 (1) whether the communication clearly identifies one or more candidates;
25 (2) the timing of the communication;

1 (3) the voters targeted by the communication;

2 (4) whether the communication identifies any candidate's position on a public
3 policy issue and urges the reader or viewer to take action, including calling the candidate to
4 support or oppose the candidate's position;

5 (5) whether the position of one or more candidates on a public policy issue has
6 been raised as distinguishing these candidates from others in the campaign, either in the
7 communication itself or in other public communications;

8 (6) whether the communication is part of an ongoing series of substantially
9 similar advocacy communications by the organization on the same issue; and

10 (7) any other factors the Executive Director deems relevant.

11 (d) Within one business day of the date that the Executive Director makes a
12 determination under Subsection (c), either the candidate(s) identified in the communication or
13 any candidate seeking the same City elective office as the candidate identified in the
14 communication may object to the Executive Director's determination. The Executive Director
15 shall respond to any objection within one business day of receiving the objection.

16 (e) Within one business day of the Executive Director's response, either the
17 candidate(s) identified in the communication or any candidate seeking the same City elective
18 office as the candidate identified in the communication may submit to the Executive Director a
19 request that the Ethics Commission review the Executive Director's determination. Within one
20 business day of receiving the request, the Executive Director shall notify each Commissioner
21 of the candidate's request.

22 If within one business day of the Executive Director's notice, two or more members of
23 the Commission inform the Executive Director that they would like to review the determination,
24 the Executive Director shall schedule a meeting of the Commission on a date that occurs
25 within one week of the Commissioners' requests. If three members of the Commission vote to

1 override the Executive Director's determination, the Commission shall make a final
2 determination based on the factors set forth above.

3 (f) If no candidate objects to the Executive Director's determination, if no candidate
4 requests review by the Commission of the Executive Director's determination, if a request is
5 made and two or more members of the Commission do not request to review the
6 determination, or within one week of two members of the Commission requesting to review
7 the Executive Director's determination, at least three members of the Commission do not vote
8 to overrule the Executive Director's determination, the Executive Director's determination shall
9 become final.

10 The Executive Director shall determine whether to adjust the Individual Expenditure
11 Ceilings of each candidate for Mayor or the Board of Supervisors pursuant to either
12 Subsection (a) or (b) of this Section within one business day of a final determination.

13 SEC. 1.152. SUPPLEMENTAL REPORTING IN ELECTIONS FOR BOARD OF
14 SUPERVISORS AND MAYOR.

15 (a) ELECTIONS FOR THE BOARD OF SUPERVISORS.

16 (1) In addition to the campaign disclosure requirements imposed by the
17 California Political Reform Act and other provisions of this Chapter, each candidate committee
18 supporting a candidate for the Board of Supervisors shall file a statement with the Ethics
19 Commission indicating when the committee has received contributions to be deposited into its
20 Campaign Contribution Trust Account or made expenditures that equal or exceed \$5,000
21 within 24 hours of reaching or exceeding that amount.

22 (2) In addition to the supplemental report in Subsection (a)(1) of this Section,
23 each candidate committee supporting a candidate for the Board of Supervisors shall file a
24 statement with the Ethics Commission disclosing when the committee has received
25 contributions to be deposited into its Campaign Contribution Trust Account or made

1 expenditures that in the aggregate equal or exceed \$100,000. The candidate committee shall
2 file this report within 24 hours of reaching or exceeding the threshold. Thereafter, the
3 candidate committee shall file an additional supplemental report within 24 hours of every time
4 the candidate committee receives additional contributions to be deposited into its Campaign
5 Contribution Trust Account or makes additional expenditures that in the aggregate equal or
6 exceed \$10,000.

7 ~~(3) Any person other than a candidate committee who makes expenditures for the~~
8 ~~purpose of distributing independent expenditures, electioneering communications, or member~~
9 ~~communications that clearly identify any candidate for the Board of Supervisors, and the amount of~~
10 ~~those expenditures in the aggregate equals or exceeds \$5,000 per candidate, shall, within 24 hours of~~
11 ~~reaching or exceeding this threshold, file a statement with the Ethics Commission. Such statement shall~~
12 ~~include a legible copy of the communication if it is conveyed in writing or an electronic recording if it~~
13 ~~is conveyed via audio or video, disclose the cost of each communication, and provide any additional~~
14 ~~information required by the Ethics Commission. Every person who is required to file a statement with~~
15 ~~the Ethics Commission pursuant to this Subsection shall indicate on the statement which candidate or~~
16 ~~candidates for the Board of Supervisors the independent expenditures, electioneering communications,~~
17 ~~or member communications disclosed on the statement support or oppose, or whether they are neutral.~~
18 ~~For the purposes of this Subsection, the costs of a communication that supports or opposes more than~~
19 ~~one candidate or ballot measure shall be apportioned among each candidate and measure in the~~
20 ~~communication.~~

21 ~~Thereafter, any such person shall file a supplemental statement with the Ethics~~
22 ~~Commission each time the person makes expenditures for the purpose of distributing independent~~
23 ~~expenditures, electioneering communications or member communications that clearly identify any~~
24 ~~candidate for the Board of Supervisors in an amount that in the aggregate equals or exceeds an~~
25 ~~additional \$5,000 per candidate. The supplemental statements shall be filed within 24 hours of~~

1 ~~reaching or exceeding this threshold, and shall include a legible copy of the communication if it is~~
2 ~~conveyed in writing or an electronic recording if it is conveyed via audio or video, disclose the cost of~~
3 ~~each communication, and provide any additional information required by the Ethics Commission.~~

4 (3) The Executive Director shall post the information disclosed on statements
5 required by this subsection on the website of the Ethics Commission within two business days
6 of the statement's filing.

7 (b) ELECTIONS FOR MAYOR.

8 (1) In addition to the campaign disclosure requirements imposed by the
9 California Political Reform Act and other provisions of this Chapter, each candidate committee
10 supporting a candidate for Mayor shall file a statement with the Ethics Commission indicating
11 when the candidate committee has received contributions to be deposited into its Campaign
12 Contribution Trust Account or made expenditures that equal or exceed \$50,000 within 24
13 hours of reaching or exceeding that amount.

14 (2) In addition to the supplemental report in Subsection (b)(1) of this Section,
15 each candidate committee supporting a candidate for Mayor shall file a statement with the
16 Ethics Commission disclosing when the candidate committee has received contributions to be
17 deposited into its Campaign Contribution Trust Account or made expenditures that in the
18 aggregate equal or exceed \$1,000,000. The candidate committee shall file this report within
19 24 hours of reaching or exceeding the threshold. Thereafter, the candidate committee shall
20 file an additional supplemental report within 24 hours of every time the candidate committee
21 receives additional contributions or makes additional expenditures that in the aggregate equal
22 or exceed \$50,000.

23 ~~(3) Any person other than a candidate committee who makes expenditures for the~~
24 ~~purpose of distributing independent expenditures, electioneering communications, or member~~
25 ~~communications that clearly identify any candidate for Mayor, and the amount of those expenditures in~~

1 ~~the aggregate equals or exceeds \$5,000 per candidate, shall, within 24 hours of reaching or exceeding~~
2 ~~this threshold, file a statement with the Ethics Commission. Such statement shall include a legible copy~~
3 ~~of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio~~
4 ~~or video, disclose the cost of each communication, and provide any additional information required by~~
5 ~~the Ethics Commission. Every person who is required to file a statement with the Ethics Commission~~
6 ~~pursuant to this Subsection shall indicate on the statement which candidate or candidates for Mayor~~
7 ~~the independent expenditures, electioneering communications, or member communications disclosed on~~
8 ~~the statement support or oppose, or whether they are neutral. For the purposes of this Subsection, the~~
9 ~~costs of a communication that supports or opposes more than one candidate or ballot measure shall be~~
10 ~~apportioned among each candidate and measure in the communication.~~

11 ~~Thereafter, any such person shall file a supplemental statement with the Ethics~~
12 ~~Commission each time the person makes expenditures for the purpose of distributing independent~~
13 ~~expenditures, electioneering communications or member communications that clearly identify any~~
14 ~~candidate for Mayor in an amount that in the aggregate equals or exceeds an additional \$5,000 per~~
15 ~~candidate. The supplemental statements shall be filed within 24 hours of reaching or exceeding this~~
16 ~~threshold, and shall include a legible copy of the communication if it is conveyed in writing or an~~
17 ~~electronic recording if it is conveyed via audio or video, disclose the cost of each communication, and~~
18 ~~provide any additional information required by the Ethics Commission.~~

19 (3) The Executive Director shall post the information disclosed on statements
20 required by this subsection on the website of the Ethics Commission within two business days
21 of the statement's filing.

22 (c) The supplemental statements required by Subsections (a)(2) ~~and (b)(2); (a)(3); (b)(2)~~
23 ~~and (b)(3)~~ are not required until the Ethics Commission has certified that at least one
24 candidate is eligible to receive public funds under this Chapter, provided that within two
25 business days of the date that the Ethics Commission provides notice under this subsection

1 that it has certified that a candidate is eligible to receive public funds under this Chapter, any
2 report that previously would have been required under (a)(2) and (b)(2), ~~(a)(3), (b)(2) or (b)(3)~~
3 must be filed. Within two business days of certifying that at least one candidate is eligible to
4 receive public financing under this Chapter, the Ethics Commission shall post a notice on its
5 website, send out a press release and send written notice by regular or electronic mail to all
6 other candidates running for the same City elective office and to any other person who has
7 requested such notice.

8 ~~SEC. 1.160.5. DISCLOSURE AND FILING FOR PERSUASION POLLS.~~

9 ~~(a) Definitions. Whenever in this Section the following words or phrases are used, they shall~~
10 ~~mean:~~

11 ~~(1) "Persuasion poll" shall mean any telephone survey, or series of telephone surveys~~
12 ~~that are substantially similar or identical, that~~

13 ~~(A) refers to a clearly identified candidate for City elective office or a City~~
14 ~~elective officer, other than in a basic preference question;~~

15 ~~(B) includes at least one call made within 60 days prior to an election for the~~
16 ~~City elective office sought by the candidate named in the survey or a recall election regarding the City~~
17 ~~elective officer named in the survey;~~

18 ~~(C) includes at least 1,000 completed calls, such as person-to-person~~
19 ~~discussions following the survey script; and~~

20 ~~(D) for which at least two of the following are true:~~

21 ~~(i) Each phone conversation in the survey takes less than four minutes on~~
22 ~~average to complete, excluding any sponsorship identification;~~

23 ~~(ii) The survey includes fewer than three demographic inquiries~~
24 ~~regarding factors such as age, educational level, or marital status, sufficient to allow for the tabulation~~
25

1 of results based on relevant subset(s) of the population consistent with standard polling industry
2 practices;

3 ~~(iii) The persons conducting the survey do not collect or tabulate survey~~
4 ~~results for all the phone conversations;~~

5 ~~(iv) The survey includes an untrue statement about the candidate or~~
6 ~~officer described in section (a)(1)(A); or~~

7 ~~(v) The survey is designed or intentionally conducted in a manner~~
8 ~~calculated to influence the vote of the respondent in the election described in Subsection (a)(1)(B).~~

9 ~~(2) "Basic preference question" shall mean:~~

10 ~~(A) a question which provides a respondent with a list of names of candidates~~
11 ~~for City elective office without providing or implying any information regarding any candidate and~~
12 ~~asks which candidate the respondent supports in a particular race, or~~

13 ~~(B) a question which names a City elective officer without providing or implying~~
14 ~~any information regarding the officer and asks whether the respondent supports or opposes the recall~~
15 ~~of that officer.~~

16 ~~(3) "Payment" shall be defined as set forth in Government Code of the State of~~
17 ~~California (commencing at Section 81000); provided, however, that "payment" shall also include any~~
18 ~~enforceable promise to make a payment.~~

19 ~~(4) "Refers to a clearly identified candidate for City elective office or a City elective~~
20 ~~officer" shall mean any communication that contains the candidate's or officer's name or nickname or~~
21 ~~makes any other unambiguous reference to the candidate or officer such as "your Supervisor" or "the~~
22 ~~incumbent."~~

23 ~~(5) "Disclosure date" shall mean:~~

24 ~~(A) The date that a written formal agreement regarding the persuasion poll is~~
25 ~~made between the person making the calls and the poll sponsor(s) or the sponsor(s) agent;~~

1 ~~(B) The date of the 1,000th call in the poll; and~~

2 ~~(C) After a person has met the threshold under Subsection (B), the date of each~~
3 ~~1,000th additional call in the poll.~~

4 ~~(b) Telephonic disclosure. No person shall authorize, administer or make payment for a~~
5 ~~persuasion poll unless, at the beginning of each call, the person making the call identifies the person(s)~~
6 ~~making payments for or authorizing the call by stating "This is a paid political advertisement by [Name~~
7 ~~of person(s)]," and, identifies the person making the call, if different from the sponsor, by stating "This~~
8 ~~call is conducted by [Name of person]." These disclosures shall be spoken at the same volume and~~
9 ~~speed as the rest of the communication so as to be clearly audible by the call recipient and otherwise~~
10 ~~appropriately conveyed for the hearing impaired. These disclosures shall be repeated upon request of~~
11 ~~the call recipient.~~

12 ~~(c) Filing.~~

13 ~~(1) Any person who authorizes, administers or makes payment for a persuasion poll~~
14 ~~shall, within 48 hours of each disclosure date, file an itemized statement with the San Francisco Ethics~~
15 ~~Commission. A person authorizing, administering or making payment for a persuasion poll is not~~
16 ~~required to file an itemized statement under this Section if the person is aware that another person~~
17 ~~authorizing, administering or making payment for the same persuasion poll has filed an authorized~~
18 ~~statement for the persuasion poll as required by this Section.~~

19 ~~(2) Each itemized statement required to be filed under this Section shall be filed on a~~
20 ~~form promulgated by the San Francisco Ethics Commission and shall contain the following~~
21 ~~information:~~

22 ~~(A) the full name, street address, city, state and zip code of each person who~~
23 ~~authorizes, administers or makes payment for the persuasion poll;~~

1 ~~(B) the full name, street address, city, state and zip code of each person sharing~~
2 ~~or exercising direction and control over the person authorizing, administering or making payments for~~
3 ~~the survey;~~

4 ~~(C) the dates during which the persuasion poll was conducted;~~

5 ~~(D) for each day, the number of calls attempted to households in the City and~~
6 ~~County of San Francisco if the election described in Subsection (a)(1)(B) is a City-wide election, or the~~
7 ~~number of calls to households in the district if the election described in Subsection (a)(1)(B) is a district~~
8 ~~election;~~

9 ~~(E) for each day, the number of individuals contacted and the number of~~
10 ~~messages left in households in the City and County of San Francisco if the election described in~~
11 ~~Subsection (a)(1)(B) is a City-wide election, or the number of individuals contacted and the number of~~
12 ~~messages left in households in the district if the election described in Subsection (a)(1)(B) is a district~~
13 ~~election;~~

14 ~~(F) a detailed accounting of any payments of \$100.00 or more that the person~~
15 ~~has received from another person, which were used for conducting or administering the persuasion~~
16 ~~poll; such detailed accounting shall include the dollar amount or value of each payment; the date of the~~
17 ~~payment's receipt; the name, street address, city, state, and zip code of the person who made such~~
18 ~~payment; the occupation and employer of the person who made such payment, if any, or, if the person~~
19 ~~is self-employed, the name of the person's business; and the cumulative amount of payments received~~
20 ~~for the purpose of conducting or administering persuasion polls from that person during the calendar~~
21 ~~year;~~

22 ~~(G) a copy of the script used in conducting the persuasion poll, if any, and a~~
23 ~~copy of every question asked in the survey and every statement made to respondents in the survey; and~~

24 ~~(H) any other information required by the Ethics Commission consistent with~~
25 ~~the purposes of this Section.~~

1 ~~(3) The filer shall verify, under penalty of perjury, the accuracy and completeness of the~~
2 ~~information provided in the itemized statement, and shall retain for a period of five years all books,~~
3 ~~papers and documents necessary to substantiate the itemized statements required by this Section.~~

4 ~~(4) The Ethics Commission may require any itemized statement to be filed electronically~~
5 ~~and may permit any required statement to be filed by facsimile. The Ethics Commission shall~~
6 ~~promulgate regulations to implement this subsection before any person shall be required to file an~~
7 ~~itemized statement electronically or permitted to file a statement by facsimile.~~

8 ~~(5) If any person files an itemized statement after any deadline imposed by this Section,~~
9 ~~the Ethics Commission shall, in addition to any other penalties or remedies established in this Chapter,~~
10 ~~fine the person \$10 per day after the deadline until the statement is received by the Ethics Commission.~~
11 ~~The Ethics Commission may reduce or waive a fine if the Commission determines that the late filing~~
12 ~~was not willful and that enforcement will not further the purposes of this Chapter. The Ethics~~
13 ~~Commission shall deposit funds collected under this Section in the General Fund of the City and~~
14 ~~County of San Francisco.~~

15 ~~(d) The Ethics Commission may adopt regulations exempting additional types of polls from the~~
16 ~~provisions of this Section to effectuate the purpose of this Section.~~

17 ~~SEC. 1.161. DISCLOSURE AND FILING REQUIREMENTS FOR MASS MAILINGS.~~

18 ~~(a) MASS MAILINGS BY CANDIDATES.~~

19 ~~(1) Disclosure. In addition to the requirements set forth in California Government~~
20 ~~Code Section 84305, each mass mailing paid for by a candidate committee shall include on the outside~~
21 ~~of each piece of mail in the mass mailing the following statement in not less than 14 point type and in a~~
22 ~~color or print which contrasts with the background so as to be easily legible: "paid for by~~
23 ~~_____ (insert candidate committee's name and street address)." A post office box may be~~
24 ~~stated in lieu of a street address if the candidate committee's address is a matter of public record with~~
25 ~~the Ethics Commission.~~

1 ~~(2) Filing.~~

2 ~~(i) Each candidate committee that pays for a mass mailing shall, within five~~
3 ~~working days after the date of the mailing, file two pieces of the mailing with the Ethics Commission.~~

4 ~~(ii) Each candidate committee that pays for a mass mailing shall, within five~~
5 ~~business days after the date of the mailing, file an itemized disclosure statement with the Ethics~~
6 ~~Commission for that mailing.~~

7 ~~(iii) Each candidate committee that pays for a mass mailing shall file two pieces~~
8 ~~of mail and the itemized disclosure statement required by Subsections (a)(2)(i) and (a)(2)(ii) within 48~~
9 ~~hours of the date of the mailing if the date of the mailing occurs within the final 16 days before the~~
10 ~~election.~~

11 ~~(iv) Every mass mailing filed pursuant to this subsection shall be clearly legible.~~

12 ~~(b) MASS MAILINGS BY PERSONS OTHER THAN CANDIDATES.~~

13 ~~(1) Disclosure. Any person who makes independent expenditures for a mass mailing~~
14 ~~which supports or opposes any candidate for City elective office shall place the following statement on~~
15 ~~the mailing in typeface no smaller than 14 points:~~

16 ~~Notice to Voters (Required by City and County of San Francisco) This mailing is not~~
17 ~~authorized or approved by any candidate for City and County office or by any election official. It is~~
18 ~~paid for by [name and committee identification number]. [address, city, state]. Total Cost of this~~
19 ~~mailing is [amount].~~

20 ~~(2) Filing.~~

21 ~~(i) Each person who makes independent expenditures of \$1,000 or more for a~~
22 ~~mass mailing which supports or opposes any candidate for City elective office shall file two pieces of~~
23 ~~the mailing and an itemized disclosure statement for the mailing with the Ethics Commission, unless~~
24 ~~that person is otherwise required to file disclosures regarding the communication under Section 1.134,~~
25 ~~1.152, or 1.161.5 of this Code.~~

1 (ii) ~~Any filing required by this Section shall be submitted within five business~~
2 ~~days after the date of the mailing if the date of the mailing is more than 16 days before the election, and~~
3 ~~within 48 hours after the mailing if the date of the mailing occurs within the final 16 days before the~~
4 ~~election.~~

5 (iii) ~~Every piece of mail filed pursuant to this Section shall be clearly legible.~~

6 (iv) ~~The Ethics Commission may permit any required statement or mailing to be~~
7 ~~filed by facsimile.~~

8 SEC. 1.161. CAMPAIGN ADVERTISEMENTS.

9 (a) DISCLAIMERS. In addition to complying with the disclaimer requirements set forth in
10 Chapter 4 of the California Political Reform Act, California Government section 84100 et seq., and its
11 enabling regulations, all committees making expenditures which support or oppose any candidate for
12 City elective office or any City measure shall also comply with the following additional requirements:

13 (1) TOP TWO CONTRIBUTORS. The disclaimer requirements for primarily formed
14 independent expenditure committees and primarily formed ballot measure committees set forth in the
15 Political Reform Act with respect to a committee's top two major contributors shall apply to
16 contributors of \$20,000 or more. The Ethics Commission may adjust this monetary threshold to reflect
17 any increases or decreases in the Consumer Price Index. Such adjustments shall be rounded off to the
18 nearest five thousand dollars.

19 (2) WEBSITE REFERRAL. Each disclaimer required by the Political Reform Act or its
20 enabling regulations and by this section shall be followed in the same required format, size and speed
21 by the following phrase: "Financial disclosures are available at sfethics.org." A substantially similar
22 statement that specifies the web site may be used as an alternative in audio communications.

23 (3) MASS MAILINGS AND SMALLER WRITTEN ADVERTISEMENTS.

1 Any disclaimer required by the Political Reform Act and by this section on a mass
2 mailing, door hanger, flyer, poster, oversized campaign button or bumper sticker, or print
3 advertisement shall be printed in at least 12-point font.

4 (4) CANDIDATE ADVERTISEMENTS. Advertisements by candidate committees shall
5 include the following disclaimer statements: "Paid for by _____ (insert the name of the candidate
6 committee)." and "Financial disclosures are available at sfethics.org." Except as provided in
7 subsection (a)(3), the statements' format, size and speed shall comply with the disclaimer requirements
8 for independent expenditures for or against a candidate set forth in the Political Reform Act and its
9 enabling regulations.

10 (b) FILING REQUIREMENTS.

11 (1) INDEPENDENT EXPENDITURES. Committees required by state law to file late
12 independent expenditure reports disclosing expenditures that support or oppose a candidate for City
13 elective office shall also file with the Ethics Commission on the same date a copy of the associated
14 advertisement(s), and

15 (A) if the advertisement is a telephone call, a copy of the script and, if the
16 communication is recorded, the recording shall also be provided; or

17 (B) if the advertisement is audio or video, a copy of the script and an audio or
18 video file shall be provided.

19 (2) CANDIDATE MASS MAILINGS.

20 (A) Each candidate committee that pays for a mass mailing shall, within five
21 working days after the date of the mailing, file a copy of the mailing and an itemized disclosure
22 statement with the Ethics Commission for that mailing.

23 (B) Each candidate committee that pays for a mass mailing shall file a copy of
24 the mailing and the itemized disclosure statement required by subsection (b)(2) within 48 hours of the
25 date of the mailing if the date of the mailing occurs within the final 16 days before the election.

1 (3) The Ethics Commission shall specify the method for filing copies of advertisements
2 and mass mailings.

3 SEC. ~~1.161.5. 1.162.~~ ~~DISCLOSURE AND FILING FOR~~ ELECTIONEERING
4 COMMUNICATIONS.

5 (a) ~~DISCLOSURE STATEMENTS~~ DISCLAIMERS.

6 (1) Every electioneering communication for which a statement is filed pursuant to
7 subsection (b) shall include a disclosure statement the following disclaimer: "Paid for by _____
8 (insert the name of the person who paid for the communication)." and "Financial disclosures are
9 available at sfethics.org." identifying the person who paid for the communication. Such disclosure
10 statement shall, at a minimum, contain the following words, "paid for by _____ (insert the
11 name of the person who paid for the communication)."

12 ~~(2) Any disclosure statement required by this section to be in printed form shall be~~
13 ~~printed in a type and color so as to be easily legible to the intended public. Such disclosure statement~~
14 ~~shall be printed in at least 14 point type and in a color or print that contrasts with the background so as~~
15 ~~to be easily legible to the intended public.~~

16 ~~(3) Any disclosure statement required by this Section to be in spoken form shall be~~
17 ~~spoken at the same volume and speed as the rest of the communication so as to be clearly audible and~~
18 ~~understood by the intended public and otherwise appropriately conveyed for the hearing impaired.~~

19 (2) Any disclaimer required by this Section shall be included in or on an electioneering
20 communication in a size, speed or format that complies with the disclaimer requirements for
21 independent expenditures supporting or opposing candidates set forth in the Political Reform Act and
22 its enabling regulations.

23 (3) Notwithstanding subsection (a)(2), any disclaimer required by this Section to appear
24 on a mass mailing, door hanger, flyer, poster, oversized campaign button or bumper sticker, or print
25 advertisement shall be printed in at least 12-point font.

1 (b) REPORTING OBLIGATIONS.

2 (1) Every person who makes payments for electioneering communications in an
3 aggregate amount of \$1,000 per candidate during any calendar year shall, within ~~48~~ 24 hours of
4 each ~~disclosure date~~ distribution, file ~~an itemized~~ a disclosure statement with the Ethics
5 Commission, ~~unless that person is otherwise required to file disclosures regarding the communication~~
6 ~~under Section 1.134, 1.152, or 1.161 of this Code.~~ For the purposes of this subsection, payments for a
7 communication that refers only to one candidate shall be attributed entirely to that candidate.
8 Payments for a communication that refers to more than one candidate, or also refers to one or more
9 ballot measures, shall be apportioned among each candidate and measure according to the relative
10 share of the communication dedicated to that candidate or measure.

11 (2) Each ~~itemized~~ disclosure statement required to be filed under this Section
12 shall contain the following information for each communication:

13 (A) the full name, street address, city, state and zip code of the person
14 making payments for electioneering communications;

15 (B) the name of any individual sharing or exercising direction and control
16 over the person making payments for electioneering communications;

17 ~~(C) the total amount of payments made by the person for electioneering~~
18 ~~communications during the calendar year;~~

19 ~~(D) a detailed description of each payment made by the person for~~
20 ~~electioneering communications during the calendar year, provided that the person has not already~~
21 ~~reported such payments on an itemized disclosure statement filed under this Section; such detailed~~
22 ~~description shall include the date the payment was made, the full name and address of the person to~~
23 ~~whom the payment was made; the amount of the payment, and a brief description of the consideration~~
24 ~~for which each payment was made;~~

1 (C) a detailed description of each payment made by the person for
2 electioneering communications during the calendar year, provided that the person has not
3 already reported such payments on an itemized disclosure statement filed under this Section;
4 such detailed description shall include the date the payment was made, the full name and
5 address of the person to whom the payment was made; the amount of the payment, and a
6 brief description of the consideration for which each payment was made;

7 (GD) the distribution date of the electioneering communication, the name(s) and
8 office(s) of the candidate(s) for City elective office or City elective officer(s) referred to in the
9 communication, the payments for the communication attributable to each such candidate or officer, a
10 brief description of the consideration for which the payments were made, whether the communication
11 supports, opposes, or is neutral with respect to each such candidate or officer, and the total amount of
12 reportable payments made by the person for electioneering communications referencing each such
13 candidate or officer during the calendar year;

14 (E) a detailed accounting of any payments of \$100 or more that the person has
15 received from another person, which were used for making electioneering communications, provided
16 that the person has not already reported such payments received on an itemized disclosure statement
17 filed under this Section; such detailed accounting shall include the dollar amount or value of each
18 payment, the date of the payment's receipt, the name, street address, city, state, and zip code of the
19 person who made such payment, the occupation and employer of the person who made such payment, if
20 any, or, if the person is self-employed, the name of the person's business, and the cumulative amount of
21 payments received for the purpose of making electioneering communications from that person during
22 the calendar year;

23 (DE) for any payments of \$100 or more that the person has received from
24 another person, which were used for making electioneering communications, the date of the payment's
25 receipt, the name, street address, city, state, and zip code of the person who made such payment, the

1 occupation and employer of the person who made such payment, if any, or, if the person is self-
2 employed, the name of the person's business, and the cumulative amount of payments received from
3 that person during the calendar year which were used for making electioneering communications;

4 ~~(F) the total amount of all payments reported under Subsection (E) during the~~
5 ~~calendar year;~~

6 ~~(GEE) a legible copy of the electioneering communication, and if in printed~~
7 ~~form, or a transcript of the electioneering communication if in spoken form; and~~

8 ~~(i) if the communication is a telephone call, a copy of the script and if the~~
9 ~~communication is recorded, the recording shall be provided; or~~

10 ~~(ii) if the communication is audio or video, a copy of the script and an~~
11 ~~audio or video file shall be provided.~~

12 ~~(HFG) any other information required by the Ethics Commission~~
13 ~~consistent with the purposes of this Section.~~

14 (3) The filer shall verify, under penalty of perjury, the accuracy and
15 completeness of the information provided in the ~~itemized~~ disclosure statement, and shall retain
16 for a period of five years all books, papers and documents necessary to substantiate the
17 ~~itemized~~ statements required by this Section.

18 (4) ~~The Ethics Commission may permit any required statement or mailing to be filed by~~
19 ~~facsimile~~ The Ethics Commission shall determine the method for filing the disclosure statement and the
20 copy of the communication, which may include electronic filing.

21 (c) REGULATIONS. The Ethics Commission may issue regulations implementing this Section.

22 ~~(e) DEFINITIONS. Whenever in this Section the following words or phrases are used, they~~
23 ~~shall mean:~~

24 ~~(1) "Disclosure Date" shall mean:~~

1 (A) ~~the first date during any calendar year when an electioneering~~
2 ~~communication is distributed after a person has made payments aggregating \$1,000.00 for~~
3 ~~electioneering communications; and~~

4 (B) ~~after a person has met the threshold under Subsection (A), any date during~~
5 ~~that same calendar year when an electioneering communication is distributed, if that same person~~
6 ~~made any payments for such electioneering communication.~~

7 (2) ~~"Distributed" shall mean any act that permits an electioneering communication to~~
8 ~~be viewed, read or heard.~~

9 (3) ~~"Electioneering Communication" shall mean any communication, including but not~~
10 ~~limited to any broadcast, cable, satellite, radio, internet, or telephone communication, and any mailing,~~
11 ~~flyer, doorhanger, pamphlet, brochure, card, sign, billboard, facsimile, or printed advertisement, that:~~

12 (A) ~~refers to a clearly identified candidate for City elective office or a City~~
13 ~~elective officer who is the subject of a recall election; and~~

14 (B) ~~is distributed within 90 days prior to an election for the City elective office~~
15 ~~sought by the candidate or a recall election regarding the City elective officer to 500 or more~~
16 ~~individuals who are registered to vote or eligible to register to vote in the election or recall election.~~
17 ~~There shall be a rebuttable presumption that any that any broadcast, cable, satellite, or radio~~
18 ~~communication and any sign, billboard or printed advertisement is distributed to 500 or more~~
19 ~~individuals who are eligible to vote for or against the candidate clearly identified in the~~
20 ~~communication.~~

21 (C) ~~The term "Electioneering Communication" shall not include:~~

22 (i) ~~communications that constitute independent expenditures under this~~
23 ~~Chapter;~~

1 ~~(ii) communications made by a slate mailer organization if such~~
2 ~~communications are required to be disclosed under the California Political Reform Act, California~~
3 ~~Government Code Section 81000, et seq.;~~

4 ~~(iii) communications paid for by the City or any other local, State or~~
5 ~~Federal government agency;~~

6 ~~(iv) non-recorded communications between two or more individuals in~~
7 ~~direct conversation unless such communications are made by telephone and at least one of the~~
8 ~~individuals is compensated for the purposes of making the telephone communication;~~

9 ~~(v) communications that appear on bumper stickers, pins, stickers, hat~~
10 ~~bands, badges, ribbons and other similar memorabilia;~~

11 ~~(vi) news stories, commentaries or editorials distributed through any~~
12 ~~newspaper, radio station, television station, or other recognized news medium unless such news~~
13 ~~medium is owned or controlled by any political party, political committee or candidate;~~

14 ~~(vii) communications to all members, employees and shareholders of an~~
15 ~~organization, other than a political party, provided that such communications do not constitute general~~
16 ~~public advertising such as, but not limited to, broadcasting, billboards, and newspaper advertisements;~~

17 ~~(viii) that occur during a candidate debate or forum; and~~

18 ~~(ix) communications made solely to promote a candidate debate or~~
19 ~~forum made by or on behalf of the person sponsoring the debate or forum, provided that such~~
20 ~~communications do not otherwise discuss the positions or experience of a candidate for City elective~~
21 ~~office or a City elective officer who is the subject of a recall election.~~

22 ~~(4) "Internet Communication" shall include paid internet advertisements such as~~
23 ~~"banner" and "pop up" advertisements, paid emails or emails sent to addresses purchased from~~
24 ~~another person, and similar types of internet communications as defined by the Ethics Commission by~~
25

1 ~~regulation, but shall not include web blogs, listserves sent to persons who have contacted the sender,~~
2 ~~discussion forums, or general postings on web pages.~~

3 ~~(5) "Payment" shall be defined as set forth in Government Code of the State of~~
4 ~~California (commencing at Section 81000); provided, however, that "payment" shall also include any~~
5 ~~enforceable promise to make a payment.~~

6 ~~(6) "Refers to a clearly identified candidate for City elective office or a City elective~~
7 ~~officer who is the subject of a recall election" shall mean any communication that contains the~~
8 ~~candidate's or officer's name, nickname or image or makes any other unambiguous reference to the~~
9 ~~candidate or officer such as "your Supervisor" or "the incumbent."~~

10 ~~(D) REGULATIONS. The Ethics Commission shall issue regulations implementing this~~
11 ~~Section, including regulations defining all members, employees and shareholders of an organization.~~

12 ~~SEC. 1.162. DISCLOSURE REQUIREMENTS CAMPAIGN ADVERTISEMENTS.~~

13 ~~(a) Disclosure. Any campaign advertisement that urges support for or opposition to one or~~
14 ~~more candidates for City elective office shall include a disclosure statement identifying the person who~~
15 ~~paid for the advertisement. Such disclosure statement shall, at a minimum, contain the following~~
16 ~~words, "paid for by _____ (insert the name of the person who paid for the communication)"~~
17 ~~and appear at least once on the advertisement.~~

18 ~~(1) Any disclosure statement required by this section to be in printed form shall be~~
19 ~~printed in a type and color so as to be easily legible to the intended public. Such disclosure statement~~
20 ~~shall be printed in at least 14-point type and in a color or print that contrasts with the background so~~
21 ~~as to be easily legible to the intended public.~~

22 ~~(2) Any disclosure statement required by this section to be in spoken form shall be~~
23 ~~spoken at the same volume and speed as the rest of the communication so as to be clearly audible and~~
24 ~~understood by the intended public and otherwise appropriately conveyed for the hearing impaired.~~

25 ~~(b) Definitions. For the purposes of this Section, the term "campaign advertisement" means:~~

1 ~~(1) Programming received by a television or radio;~~

2 ~~(2) A communication placed in a newspaper, periodical or magazine of general~~
3 ~~circulation;~~

4 ~~(3) Posters, door hangers, and yard signs produced in quantities of 200 or more; and~~

5 ~~(4) A billboard.~~

6 ~~SEC. 1.163. DISCLOSURE REQUIREMENTS RECORDED TELEPHONE MESSAGES.—~~

7 ~~Any recorded telephone message distributed to 500 or more individuals or households must~~
8 ~~include the following statement: "paid for by _____ (insert name of person who paid for the~~
9 ~~recorded telephone message)." Statements required pursuant to this Section shall be audible and~~
10 ~~played at the same volume and speed as the rest of the recorded telephone message. Any person paying~~
11 ~~for a recorded telephone message must maintain a transcript of the message and a record of the~~
12 ~~number of distributed calls for each message.~~

13 SEC. 1.163. MEMBER COMMUNICATIONS.

14 (a) Every person who makes payments for member communications in an aggregate amount of
15 \$1,000 per candidate within the 90 days prior to an election shall, within 24 hours of each distribution,
16 file a disclosure statement with the Ethics Commission. For the purposes of this subsection, payments
17 for a communication that supports or opposes only one candidate shall be attributed entirely to that
18 candidate. Payments for a communication that supports or opposes more than one candidate, or also
19 supports or opposes one or more ballot measures, shall be apportioned among each candidate and
20 measure according to the relative share of the communication dedicated to that candidate or measure.

21 (b) Each disclosure statement required to be filed under this Section shall contain the following
22 information:

23 (1) the full name, street address, city, state and zip code of the person making payments
24 for member communications;

1 (2) the name of any individual sharing or exercising direction and control over the
2 person making payments for member communications;

3 (3) the distribution date of the member communication, the name(s) and office(s) of the
4 candidate(s) for City elective office or City elective officer(s) referred to in the communication, the
5 payments for the communication attributable to each such candidate or officer, a brief description of
6 the consideration for which the payments for such costs were made, whether the communication
7 supports or opposes each such candidate or officer, and the total amount of reportable payments made
8 by the person for member communications supporting or opposing each such candidate or officer
9 during the calendar year;

10 (4) a legible copy of the member communication; and

11 (A) if the communication is a telephone call, a copy of the script and if the
12 communication is recorded, the recording shall be provided; or

13 (B) if the communication is audio or video, a copy of the script and an audio or
14 video file shall be provided.

15 (5) any other information required by the Ethics Commission consistent with the
16 purposes of this Section.

17 (c) The filer shall verify, under penalty of perjury, the accuracy and completeness of the
18 information provided in the disclosure statement, and shall retain for a period of five years all books,
19 papers and documents necessary to substantiate the statements required by this Section.

20 (d) REGULATIONS. The Ethics Commission may issue regulations implementing this Section.

21
22 Section 3. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

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Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

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

By: _____
ANDREW SHEN
Deputy City Attorney

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