

1 [Amending individual expenditure ceilings for partial public financing program.]

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3 **Ordinance amending the Campaign and Governmental Conduct Code by amending**  
4 **Section 1.134.5 to modify the calculation governing when a publicly financed candidate**  
5 **may access additional public funds.**

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.  
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 & Governmental Conduct Code is hereby  
11 amended by amending Section 1.134.5, to read as follows:

12 **SEC. 1.134.5. LIFTING OF INDIVIDUAL EXPENDITURE CEILINGS.**

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

16 (a) The Executive Director shall lift the Individual Expenditure Ceiling of a candidate  
17 for Mayor ~~or the Board of Supervisors~~ to an amount equal to the sum of the highest level of  
18 the Total Supportive Funds of any other candidate ~~seeking election to the same office for~~  
19 Mayor and the Total Opposition Spending against that candidate if such amount is greater  
20 than \$1,375,000.00 for candidates for Mayor or greater than \$140,000.00 for candidates for  
21 ~~the Board of Supervisors~~, provided that the Executive Director may lift a candidate's Individual  
22 Expenditure Ceilings only in increments of \$100,000.00 for candidates for Mayor and  
23 \$10,000.00 for candidates for the Board of Supervisors.

24 (b) The Executive Director shall lift the Individual Expenditure Ceiling of a candidate  
25 for Mayor ~~or the Board of Supervisors~~ by to an amount equal to the sum of the highest level of

1 the Total Supportive Funds of any other candidate for the same office on the Board of  
2 Supervisors and the Total Opposition Spending against that candidate *if such amount is greater*  
3 *than \$1,375,000.00 for candidates for Mayor or greater than \$140,000.00 for candidates for the Board*  
4 *of Supervisors* if such amount is greater than \$140,000, provided that the Executive Director  
5 may lift a candidate's Individual Expenditure Ceiling only in increments of ~~\$100,000.00 for~~  
6 ~~candidates for Mayor and \$10,000.00 for candidates for the Board of Supervisors.~~

7 (c) On the fourth business day after a statement is filed pursuant to Section 1.152  
8 (a)(3) and (b)(3) of this Chapter, the Executive Director shall determine whether to lift the  
9 Individual Expenditure Ceilings of each candidate for Mayor or the Board of Supervisors  
10 pursuant to Subsections (a) and (b) of this Section based on the information in the statement  
11 unless pursuant to Subsection (d) a candidate for Mayor or the Board of Supervisors requests  
12 that the Executive Director make a determination regarding which candidate or candidates the  
13 communication filed with the statement supports or opposes or whether the communication is  
14 neutral.

15 (d) Any candidate for Mayor or the Board of Supervisors may request that the  
16 Executive Director review the original or copy of a communication filed pursuant to Section  
17 1.152(b)(3) of this Chapter to make an independent determination regarding which candidate  
18 or candidates for Mayor or the Board of Supervisors the communication actually supports or  
19 opposes or whether the communication is neutral. Such requests must be filed with the  
20 Executive Director within three business days from the date the original or copy of the  
21 communication is filed. Factors the Executive Director shall use to determine whether the  
22 communication supports or opposes one or more candidates include the following:

- 23 (1) The communication clearly identifies one or more candidates;
- 24 (2) The timing of the communication coincides with the campaign;

- 1           (3) The communication targets voters in a particular election;
- 2           (4) The communication identifies one or more candidate's position on a public policy  
3 issue and urges the reader or viewer to take action, including calling the candidate to support  
4 or oppose the candidate's position;
- 5           (5) The position of one or more candidates on the public policy issue has been raised  
6 as distinguishing these candidates from others in the campaign, either in the communication  
7 itself or in other public communications;
- 8           (6) The communication is not part of an ongoing series of substantially similar  
9 advocacy communications by the organization on the same issue; and
- 10          (7) Any other factors the Executive Director deems relevant.

11          Within three business days of the date the request for a determination is received, the  
12 Executive Director shall make his or her initial determination.

13          Within one business day of the date that the Executive Director makes an initial  
14 determination, any candidate for Mayor or the Board of Supervisors may submit to the  
15 Executive Director a request that the Ethics Commission review the Executive Director's initial  
16 determination.

17          Within one business day of receiving the request, the Executive Director shall notify  
18 each Commissioner of the candidate's request.

19          If within one business day of the Executive Director's notice, two or more members of  
20 the Commission inform the Executive Director that they would like to review the initial  
21 determination, the Executive Director shall schedule a meeting of the Commission on a date  
22 that occurs within one week of the Commissioners' requests. If three members of the  
23 Commission vote to overrule the Executive Director's initial determination, the Commission  
24 shall make a final determination based on the factors set forth above.

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

7           The Executive Director shall determine whether to lift the Individual Expenditure  
8 Ceilings of each candidate for Mayor or the Board of Supervisors pursuant to Subsections (a)  
9 and (b) of this Section within one business day of a final determination.

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

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14 By: \_\_\_\_\_  
15       ANDREW SHEN  
16       Deputy City Attorney

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