

1 [Campaign and Governmental Conduct Code - Capping the Amount of Public Matching  
2 Funds.]

3 **Ordinance amending the San Francisco Campaign and Governmental Conduct Code**  
4 **Section 1.144 to cap the amount of public matching funds.**

5 Note: Additions are *single-underline italics Times New Roman*;  
6 deletions are ~~*strikethrough italics Times New Roman*~~.  
7 Board amendment additions are double underlined.  
8 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 Sections 1.144 to read as follows:

12 **SEC. 1.144. DISBURSEMENT OF PUBLIC FUNDS.**

13 (a) PAYMENT BY CONTROLLER. Upon certifying that a candidate is eligible to receive  
14 public financing under this Chapter, the Executive Director shall forward the certification to the  
15 Controller, and the Controller shall disburse payments to the candidate from the Election  
16 Campaign Fund in accordance with the certification and this Section.

17 (b) TIME OF PAYMENTS. The Controller shall not make any payments under this Chapter to  
18 any candidate more than nine months before the date of the election. Payments from the  
19 Controller shall be disbursed to eligible candidates within two business days of the Controller  
20 receiving notification from the Ethics Commission regarding the amount of the disbursement,  
21 except that within fifteen calendar days before the election, such payments shall be made  
22 within one business day.

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

24 (1) ~~Until the Per Candidate Available Disbursement Limit has been determined,~~ cCandidates for  
25 Mayor whom the Ethics Commission has certified as eligible to receive public financing for

1 their election campaigns will have access to up to a maximum per candidate of \$900,000 in  
2 funds from the Election Campaign Fund on a first come, first served basis according to the  
3 formula set forth in Subsection (c)(~~3~~) of this Section.

4 ~~(2) Once the Per Candidate Available Disbursement Limit has been determined, candidates for Mayor~~  
5 ~~whom the Ethics Commission has certified as eligible to receive public financing for their election~~  
6 ~~campaigns shall have access to funds from the Election Campaign Fund as follows:~~

7 ~~(A) If the Executive Director determines that the Per Candidate Available Disbursement Limit is~~  
8 ~~greater than \$900,000, each participating candidate shall have access to the amount of the Per~~  
9 ~~Candidate Available Disbursement Limit, subject to the limitations set forth under Subsection (c)(3)(D)~~  
10 ~~and (c)(3)(E) of this Section.~~

11 ~~(B) If the Executive Director determines the Per Candidate Available Disbursement Limit is less than~~  
12 ~~or equal to \$900,000, participating candidates shall have access to funds from the Election Campaign~~  
13 ~~Fund on a first come, first served basis up to a maximum per candidate of \$900,000.~~

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

17 (A) Upon qualification the candidate shall receive a one-time payment of \$50,000 from the  
18 Election Campaign Fund.

19 (B) After the initial payment under Subsection (c)(~~3~~)(A), for the first \$100,000 in matching  
20 contributions raised by the candidate, the candidate shall receive four dollars from the  
21 Election Campaign Fund for each dollar raised.

22 (C) After the payments under Subsection (c)(~~3~~)(B), for the next \$450,000 in matching  
23 contributions raised by the candidate, the candidate shall receive one dollar from the Election  
24 Campaign Fund for each dollar raised.

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1 (D) The maximum amount of public funds a mayoral candidate may receive is \$900,000.7  
2 *unless the candidate's Individual Expenditure Ceiling is adjusted according to the rules set forth under*  
3 *Section 1.143.*

4 *(E) If the Per Candidate Available Disbursement Limit has been determined to be an amount greater*  
5 *than \$900,000, a candidate who has already received at least \$900,000 in disbursements from the City*  
6 *shall continue to be eligible to receive public funds from the City at the rate of one dollar for each*  
7 *dollar of a matching contribution raised up to the Per Candidate Available Disbursement Limit,*  
8 *provided that no funds shall be disbursed if disbursement of the funds would result in the candidate*  
9 *exceeding his or her Trust Account Limit.*

10 (d) PAYMENTS FOR ELECTION EXPENSES TO CANDIDATES FOR THE BOARD OF  
11 SUPERVISORS.

12 (1) *Until the Per Candidate Available Disbursement Limit has been determined, c*Candidates for the  
13 Board of Supervisors whom the Ethics Commission has certified as eligible to receive public  
14 financing for their election campaigns will have access to up to a maximum per candidate of  
15 \$89,000 in funds from the Election Campaign Fund on a first come, first served basis  
16 according to the formula set forth in Subsection (d)(32) of this Section.

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

20 *(A) If the Executive Director determines that the Per Candidate Available Disbursement Limit is*  
21 *greater than \$89,000, each participating candidate shall have access to the amount of the Per*  
22 *Candidate Available Disbursement Limit, subject to the limitations set forth under Subsection (d)(3)(D)*  
23 *and (d)(3)(E) of this Section.*

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1 ~~(B) If the Executive Director determines the Per Candidate Available Disbursement Limit is less than~~  
2 ~~or equal to \$89,000, participating candidates shall have access to funds from the Election Campaign~~  
3 ~~Fund on a first come, first served basis up to a maximum per candidate of \$89,000.~~

4 (32) A candidate for the Board of Supervisors who is certified as eligible to receive public  
5 financing under this Chapter shall receive payments for eligible matching contributions  
6 according to the following formula:

7 (A) Upon qualification the candidate shall receive a one-time payment of \$10,000 from the  
8 Election Campaign Fund.

9 (B) After the initial payment under Subsection (d)(32)(A), for the first \$10,000 in matching  
10 contributions raised by the candidate, the candidate shall receive four dollars from the  
11 Election Campaign Fund for each dollar raised.

12 (C) After the payments under Subsection (d)(32)(B), for the next \$39,000 in matching  
13 contributions raised by the candidate, the candidate shall receive one dollar from the Election  
14 Campaign Fund for each dollar raised.

15 (D) The maximum amount of public funds a candidate for the Board of Supervisors may  
16 receive is \$89,000. ~~, unless the candidate's Individual Expenditure Ceiling is adjusted according to~~  
17 ~~the rules set forth under Section 1.143.~~

18 ~~(E) If the Per Candidate Available Disbursement Limit has been determined to be an amount greater~~  
19 ~~than \$89,000, a candidate who has already received at least \$89,000 in disbursements from the City~~  
20 ~~shall continue to be eligible to receive public funds from the City at the rate of one dollar for each~~  
21 ~~dollar of a matching contribution raised up to the Per Candidate Disbursement Limit, provided that no~~  
22 ~~funds shall be disbursed if disbursement of the funds would result in the candidate exceeding his or her~~  
23 ~~Trust Account Limit.~~

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1 ~~(e) PER CANDIDATE AVAILABLE DISBURSEMENT LIMIT. On the 59th day before the election, the~~  
2 ~~Executive Director shall divide the total amount of non administrative funds in the Election Campaign~~  
3 ~~Fund by the number of qualified candidates. This number shall be deemed the Per Candidate Available~~  
4 ~~Disbursement Limit. For the purposes of this section, the total amount of non administrative funds in~~  
5 ~~the Election Campaign Fund shall be the total amount of funds that existed in the Fund nine months~~  
6 ~~before the date of election plus any funds deposited into the Fund between that date and the 59th day~~  
7 ~~before the election minus any funds necessary to cover the administrative costs associated with~~  
8 ~~implementing the public financing program for the next election.~~  
9 ~~If there are candidates who have submitted a Declaration of Qualification but whose eligibility has not~~  
10 ~~been determined as of the 59th day before the election, the Executive Director shall assume that they~~  
11 ~~are qualified for the purposes of determining the Per Candidate Available Disbursement Limit. The Per~~  
12 ~~Candidate Available Disbursement Limit shall be revised upward according to the formula above if~~  
13 ~~and when it is determined that the candidate or candidates in question did not qualify to receive public~~  
14 ~~financing.~~  
15 ~~Immediately upon calculating the Per Candidate Available Disbursement Limit, the Executive Director~~  
16 ~~shall inform the Controller of the initial determination of the Per Candidate Available Disbursement~~  
17 ~~Limit. Thereafter, the Executive Director shall immediately inform the Controller of any subsequent~~  
18 ~~changes in the Per Candidate Available Disbursement Limit due to a determination that a candidate~~  
19 ~~has not qualified to receive public financing.~~

20 (fe) SUBMISSION OF CLAIMS FOR PUBLIC FUNDS. The Ethics Commission shall  
21 determine the information needed to submit a claim for payment of public funds. The  
22 Executive Director shall certify each request for payment of public funds within four business  
23 days of the request, except that within 14 calendar days before the election, when the  
24 certification of a request for public funds shall be made within two business days of the  
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1 request. No candidate may submit a claim for public funds if the candidate has any such  
2 claims pending with the Ethics Commission. For candidates for Mayor, any submission of a  
3 claim for public funds must include a minimum of \$5,000 of matching contributions; provided  
4 that in the 14 calendar days preceding an election, a claim must include a minimum of \$1,000  
5 of matching contributions. For candidates for the Board of Supervisors, any submission of a  
6 claim for public funds must include a minimum of \$1,000 of matching contributions; provided  
7 that in the 14 calendar days preceding an election, a claim must include a minimum of \$200 of  
8 matching contributions. All claims for public funds must be submitted no later than 5:00 p.m.  
9 on the 30th day following the date of the election.

10 (~~g~~) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT. A candidate must  
11 deposit all payments received from the Election Campaign Fund in his or her candidate  
12 committee's Campaign Contribution Trust Account.

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14 APPROVED AS TO FORM:  
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Acting as Special City Attorney, City and County of San Francisco

16 By:

17 MARK MORODOMI  
Deputy City Attorney

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