[Administrative Code - Elections to Retirement Board, Health Service Board, and Retiree Health Care Trust Fund Board]

Ordinance amending the Administrative Code to eliminate statement of intention, disclosure, and reporting requirements for candidates seeking election to the Retirement Board, Health Service Board, and Retiree Health Care Trust Fund Board; eliminate third-party disclosure requirements for persons or entities making independent expenditures to support or oppose such candidates; and delete corresponding training, audit, and enforcement provisions.

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

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

Section 1. The Administrative Code is hereby amended by revising Section 16.553 and deleting Sections 16.553-1 through 16.553-4, to read as follows:

SEC. 16.553. NOTICE TO MEMBERS AND RETIRED MEMBERS; NOMINATION OF MEMBERS AND RETIRED MEMBERS.

The Retirement Board, Health Service Board, or Retiree Health Care Trust Fund Board shall thereafter notify the members of the Retirement System or Health Service System respectively of the following:

(a) The necessity for an election;

(b) The procedure for nomination and selection of candidates to serve on the Board; *and*

~~*(c) The disclosure requirements set forth in Sections 16.553-1, 16.553-2, 16.553-3, and 16.553-4; and*~~

(~~*d*~~*c*) The dates that ballots may be marked and delivered and the procedure for voting.

The period of time during which nominations may be made shall be set by the Retirement Board, Health Service Board, or Retiree Health Care Trust Fund Board, but in no event shall be less than 31 days. Any person nominated to serve as a trustee of the Retirement Board, Health Service Board, or Retiree Health Care Trust Fund Board shall, on forms provided by the respective Board for this purpose, and by the date set by the respective Board, verify acceptance of the nomination and agree to serve if elected before ~~*he or she*~~ *they* may be listed as a candidate.

In any election for membership on the Retirement Board, Health Service Board, or Retiree Health Care Trust Fund Board, when only one candidate has filed nomination papers, the Department of Elections or Contractor shall not conduct an election and shall declare the sole candidate to be a member of the Retirement Board, Health Service Board, or Retiree Health Care Trust Fund Board.

~~***SEC. 16.553-1. CANDIDATE INTENTION STATEMENTS.***~~

~~*Candidates seeking election to the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall file with the Ethics Commission, signed under penalty of perjury, a candidate intention statement in a manner specified, and on a form provided, by the Ethics Commission.*~~

~~***SEC. 16.553-2. CANDIDATE DISCLOSURE REQUIREMENTS.***~~

~~*(a) **Statement of Economic Interests(Form 700).** Each candidate for Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board elections shall file, by the filing of a candidate intention statement, a Statement of Economic Interests(Form 700) disclosing the information required by the disclosure category for the office sought by the candidate established in the Conflict of Interest Code. Candidates shall file such statements with the Ethics Commission. This statement shall not be required if the candidate has filed, within the previous 90 days, a statement at disclosure category one with the Ethics Commission.*~~

~~*(b) **Reporting by Candidates.***~~

~~*(1) **Initial Statement of Organization.** Any candidate for the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall file an initial statement of organization with the Ethics Commission.*~~

~~*(A) **Campaign Bank Account.** Upon the filing of an initial statement of organization, the candidate shall establish or identify one campaign bank account at an office of a financial institution located in San Francisco. All contributions made to the candidate, or to a person on behalf of the candidate, shall be deposited in the account. All expenditures made by the candidate in support of his or her election to the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall be made from the account.*~~

~~*(2) **Semiannual Statements.** Candidates shall file semiannual statements that comply with the requirements of California Government Code Section 84211 each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.*~~

~~*(3) **Preelection Statements.** Candidates shall file preelection statements that comply with the requirements of California Government Code Sections 84200.8 and 84211, and San Francisco Campaign and Governmental Conduct Code Section 1.135.*~~

~~*(4) **Late Contribution Reports.** Any candidate that receives a late contribution shall file a late contribution report within 24 hours of receiving the late contribution. For purposes of this*~~

~~*Section 16.553-2, "late contribution" shall mean a contribution, including a loan, that totals in the aggregate one thousand dollars($1,000) or more and is made during the period beginning 90 days before the first day on which ballots may be submitted to the Department of Elections or Contractor and ending on the last day on which ballots may be submitted to the Department of Elections or Contractor. The candidate shall report his or her full name and street address, the date and amount of the late contribution, and whether the contribution was made in the form of a loan. The candidate shall also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business.*~~

~~*(5) **Termination Statements.** Candidates shall be responsible for filing the above statements, until they file a termination statement with the Ethics Commission that indicates they are no longer holding office and have no further financial activity to disclose.*~~

~~*(6) **Forms and Filing.** The Ethics Commission shall specify the forms candidates shall use to file the above statements and the manner in which candidates shall electronically file those statements.*~~

~~*(c) **Mass Mailings.** For the purposes of this Section 16.553-2, "mass mailing" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000 et seq., provided that the mass mailing advocates for or against one or more candidates for Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board.*~~

~~*(1) **Filing Requirements.** Candidates that pay for mass mailings shall, within five working days after the distribution of the mass mailing, file a copy of the mass mailing and an itemized disclosure statement with the Ethics Commission. Within the final 16 days before the election, candidates that pay for mass mailing shall file a copy of the mass mailing and the itemized disclosure statement within 48 hours of the date of the distribution of the mass mailing.*~~

~~*(2) **Disclaimers.** Mass mailings, door hangers, flyers, posters, oversized campaign buttons, bumper stickers, or print advertisements shall include the following disclaimer statements,*~~

~~*printed in at least 12-point font: "Paid for by _____(insert the name of the filer)." and "Financial disclosures are available at sfethics.org."*~~

~~***SEC. 16.553-3. THIRD-PARTY DISCLOSURE REQUIREMENTS.***~~

~~*(a)* ***Reporting by Third Parties.***~~

~~*(1)* ***Initial Statement of Organization.*** *Any person or entity that makes independent expenditures totaling $1,000 or more in a calendar year to support or oppose candidate(s) for the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board, or makes contributions totaling $1,000 or more to a candidate or a committee required to file under this subsection(a)(1), shall file an initial statement of organization with the Ethics Commission. For the purposes of this Section 16.553-3, an "independent expenditure" shall mean an expenditure made in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate for the Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board but which is not made to or at the behest of the affected candidate or committee.*~~

~~*(A)* ***Campaign Bank Account.*** *Upon the filing of an initial statement of organization, the filer shall establish or identify one campaign bank account at an office of a financial institution located in San Francisco. All contributions made to the filer, or to a person on behalf of the filer, shall be deposited in the account. Any funds spent in support of or opposition to the election of the candidate shall be deposited in the account prior to expenditure. All expenditures made by the filer in support of or opposition to the election of the candidate shall be made from the account.*~~

~~*(2)* ***Semiannual Statements.*** *Any person or entity subject to subsection(a)(1), shall file semiannual statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31.*~~

~~*(3)* ***Preelection Statements.*** *Any person or entity subject to subsection(a)(1) shall file preelection statements that comply with the requirements of California Government Code Sections*~~

~~*84200.8 and 84211, and San Francisco Campaign and Governmental Conduct Code Section 1.135.*~~

~~*(4) **Late Independent Expenditure Reports.** If any person or entity subject to subsection(a)(1) makes independent expenditures that total $1,000 or more during the period beginning 90 days before the first day on which ballots may be submitted to the Department of Elections and ending on the last day on which ballots may be submitted to the Department of Elections or Contractor, such person or entity shall file a late independent expenditure report. Filers shall file late independent expenditure reports within 24 hours of making such independent expenditures.*~~

~~*(5) **Termination Statements.** Any person or entity subject to subsection(a)(1) shall be responsible for filing the above statements and reports, until they file a termination statement with the Ethics Commission that indicates they have no further financial activity to disclose.*~~

~~*(6) **Forms and Filing.** The Ethics Commission shall specify the forms persons subject to this subsection(a) shall use to file the above statements and the manner in which they shall electronically file those statements.*~~

~~*(b) **Campaign Advertisements.***~~

~~*(1) **Filing Requirements.** Persons required to file late independent expenditure reports under subsection(a)(4) shall also file with the Ethics Commission on the same date a copy of the associated advertisement(s), and*~~

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

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

~~*(2) **Disclaimers.** Mass mailings, door hangers, flyers, posters, oversized campaign buttons, bumper stickers, or print advertisements shall include the following disclaimer statements, printed in at least 12-point font: "Paid for by _____(insert the name of the filer)." and "Financial disclosures are available at sfethics.org."*~~

~~*For the purposes of this Section 16.553-3, "mass mailing," shall be defined as set forth in the California Political Reform Act, California Government Code section 81000 et seq., provided that the mass mailing advocates for or against one or more candidates for Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board.*~~

~~*(3) **Exception.** Employee organizations that represent employees who are eligible to benefit from the Retirement System, Health Service System or Retiree Health Care Trust Fund, are subject to the disclosure and disclaimer requirements established by subsections(b)(1) and(b)(2); provided that, an employee organization whose communications are directed solely to its own members shall not be required to disclose copies of those communications or include any disclaimers.*~~

~~***SEC. 16.553-4. TRAININGS; AUDITS; ENFORCEMENT AND PENALTIES; SUBPOENAS.***~~

~~*(a) **Training for Candidates.** Every candidate for Retirement Board, Health Service Board or Retiree Health Care Trust Fund Board shall attend a training program conducted or sponsored by the Ethics Commission within one year prior to any election for the office sought by the candidate.*~~

~~*(b) **Audits; Retention of Records.** The Executive Director of the Ethics Commission may initiate audits of any candidate or any person who made independent expenditures in support of or opposition to any candidate. All candidates and persons who are required to file statements under Sections 16.553-1, 16.553-2, and 16.553-3 shall maintain detailed accounts, records, bills, and receipts as necessary to prepare those statements for a period of four years following the election for which they filed those statements.*~~

~~*(c) **Enforcement and Penalties.***~~

~~*(1) **Administrative Enforcement.** Any person who intentionally or negligently violates Sections 16.553-1, 16.553-2, and 16.553-3 shall be liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for any penalties authorized therein.*~~

~~*(2) **Statute of Limitations.** Ethics Commission investigations must be commenced within four years after the date on which the violation occurred.*~~

~~*(3) **Late Filing Fees.***~~

~~*(A) **Late Fee.** In addition to any other penalty, any person who files a paper copy of any statement required by Sections 16.553-1, 16.553-2, and 16.553-3 after the deadline imposed by this Chapter shall be liable in the amount of $10 per day after the deadline until the statement is filed.*~~

~~*(B) **Limitation on Liability.** Liability imposed by subsection(c)(3)(A) shall not exceed the cumulative amount stated in the late statement, or $100, whichever is greater.*~~

~~*(C) **Reduction or Waiver.** The Executive Director may reduce or waive a fee imposed by this subsection if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter.*~~

~~*(4) **Provision of False or Misleading Information to the Ethics Commission; Withholding of Information.** Any person who knowingly or willfully furnishes false or fraudulent evidence, documents, or information to the Ethics Commission under this Chapter, or misrepresents any material fact, or conceals any evidence, documents, or information, or fails to furnish to the Ethics Commission any records, documents, or other information required to be provided under this Chapter shall be subject to the penalties provided in this subsection 16.553-4(c).*~~

~~*(d) **Subpoenas.** The Executive Director of the Ethics Commission may issue subpoenas in furtherance of her duties under the Chapter including, but not limited to, audits and enforcement of its provisions.*~~

Section 2. 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 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Kathleen Vermazen Radez
KATHLEEN VERMAZEN RADEZ
Deputy City Attorney

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