

1 [Campaign and Governmental Conduct Code - Campaign Finance Amendments]

2

3 **Ordinance amending the Campaign and Governmental Conduct Code to 1) clarify that**  
4 **campaigns must disclose expenditures on social media; 2) require committees that**  
5 **make independent expenditures to disclose the original sources of their funds; 3)**  
6 **require candidates to attest to the lack of any coordination with other committees; 4)**  
7 **require that the Voter Information Pamphlet note which candidates have agreed to**  
8 **voluntary spending limits; 5) require the Ethics Commission to complete audits of**  
9 **candidate committees within 24 months; 6) modify disclaimer requirements; 7) specify**  
10 **disclosure requirements for social media advertisements; and 8) prior to each**  
11 **municipal election, require the Ethics Commission to distribute a pamphlet to San**  
12 **Francisco voters regarding third-party spending.**

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

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

19 Section 1. The Campaign and Governmental Conduct Code is hereby amended by  
20 adding Sections 1.111 and 1.165, and revising Sections 1.104, 1.110, 1.115, 1.128, 1.142,  
21 1.143, 1.150, 1.152, 1.156, 1.161, 1.162, and 1.163, to read as follows:

22 **SEC. 1.104. DEFINITIONS.**

23 \* \* \* \*

24 “Business income” shall mean funds received by an individual in commercial transactions in  
25 the ordinary course of a person’s regular trade, business, or investments (other than investments by a

1 principal shareholder in a limited liability corporation. “Business income” shall not include union  
2 dues.

3 \* \* \* \*

4 “Original source of funds” shall mean the individual whose business income or personal funds  
5 is the source of funding for an independent expenditure.

6 \* \* \* \*

7 “Personal funds” means income received by an individual, including salary and other  
8 compensation for employment, dividends and process from the individual’s personal investments, and  
9 bequests to the individual, including income from trusts established by bequests.

10 \* \* \* \*

11 “Social media technologies” shall mean electronic media technologies that distribute  
12 communications, commonly user-generated content, within virtual communities. “Social media  
13 technologies” includes, but is not limited to, Facebook, Instagram, LinkedIn, Pinterest, Reddit,  
14 Snapchat, Tumblr, Twitter, WhatsApp, and YouTube.

15 \* \* \* \*

16 **SEC. 1.110. CAMPAIGN STATEMENTS.**

17 (a) INSPECTION AND COPYMAKING. Campaign statements are to be open for  
18 public inspection and reproduction at the Office of the Ethics Commission during regular  
19 business hours and such additional hours as the Ethics Commission determines appropriate.  
20 The Commission shall provide public notice of the hours that the office is open for inspection  
21 and reproduction. The Ethics Commission shall also make campaign statements available through its  
22 website.

23 \* \* \* \*

24 (c) SOCIAL MEDIA. Campaign statements shall disclose, as required by the Political Reform  
25 Act, expenditures on social media technologies. Without limitation, campaigns shall disclose

1 expenditures on the promotion of social media accounts, methods to increase popularity of social  
2 media posts, written communications, or any audio or video distributed through social media  
3 technologies.

4 **SEC. 1.111. CAMPAIGN STATEMENTS - ORIGINAL SOURCE OF FUNDS FOR**  
5 **INDEPENDENT EXPENDITURES.**

6 Committees required by state law to disclose independent expenditures that support or oppose a  
7 candidate for City elective office shall also file with the Ethics Commission, within the last 90 days  
8 before an election, a separate statement that disclose the original source of funds for each contribution  
9 of \$1,000 or more, or contributions that total \$1,000 or more from a single contributor. Committees  
10 shall file the required separate statement within 24 hours of receiving such contribution(s).

11 **SEC. 1.115. COORDINATION OF EXPENDITURES.**

12 (a) **General.** An expenditure is not considered independent and shall be treated as a  
13 contribution from the person making the expenditure to the candidate on whose behalf, or for  
14 whose benefit the expenditure is made, if the expenditure funds a communication that  
15 expressly advocate the nomination, election or defeat of a clearly identified candidate and is  
16 made under the following circumstance:

17 (1) The expenditure is made at the request, suggestion, or direction of, or in  
18 cooperation, consultation, concert or coordination with, the candidate on whose behalf, or for  
19 whose benefit, the expenditure is made; or

20 (2) The communication funded by the expenditure is created, produced or  
21 disseminated:

22 (A) After the candidate has made or participated in making any decision  
23 regarding the content, timing, location, mode, intended audience, volume of distribution, or  
24 frequency of placement of the communication; or

1 (B) After discussion between the creator, producer or distributor of a  
2 communication, or the person paying for that communication, and the candidate or committee  
3 regarding the content, timing, location, mode, intended audience, volume of distribution or  
4 frequency of placement of that communication, the result of which is agreement on any of  
5 these topics.

6 (b) **Rebuttable Presumption of Coordination.** In addition to ~~Subsection (a) of this~~  
7 ~~section~~ subsection (a), there shall be a presumption that an expenditure funding a  
8 communication that expressly advocates the nomination, election or defeat of a clearly  
9 identified candidate is not independent of the candidate on whose behalf or for whose benefit  
10 the expenditure is made, when:

11 (1) It is based on information about the candidate or committee's campaign  
12 needs or plans provided to the spender by the candidate;

13 (2) It is made by or through any agent of the candidate in the course of the  
14 agent's involvement in the current campaign;

15 (3) The spender retains the services of a person, including a campaign  
16 consultant, who provides, or has provided, the candidate with professional services related to  
17 campaign or fund raising strategy for that same election;

18 (4) The communication replicates, reproduces, republishes or disseminates, in  
19 whole or in substantial part, a communication designed, produced, paid for or distributed by  
20 the candidate; or

21 (5) In the same election that the expenditure is made, the spender or spender's  
22 agent is serving or served in an executive or policymaking role for the candidate's campaign  
23 or participated in strategy or policy making discussions with the candidate's campaign relating  
24 to the candidate's pursuit of election to office and the candidate is pursuing the same office as  
25 a candidate whose nomination or election the expenditure is intended to influence.

1 (c) **Exceptions.** Notwithstanding the foregoing, an expenditure shall not be  
2 considered a contribution to a candidate merely because:

3 (1) The spender interviews a candidate on issues affecting the spender;

4 (2) The spender has obtained a photograph, biography, position paper, press  
5 release, or similar material from the candidate;

6 (3) The spender has previously made a contribution to the candidate;

7 (4) The spender makes an expenditure in response to a general, non-specific  
8 request for support by a candidate, provided that there is no discussion with the candidate  
9 prior to the expenditure relating to details of the expenditures;

10 (5) The spender has invited the candidate or committee to make an appearance  
11 before the spender's members, employees, shareholders, or the families thereof, provided  
12 that there is no discussion with the candidate prior to the expenditure relating to details of the  
13 expenditure;

14 (6) The spender informs a candidate that the spender has made an expenditure  
15 provided that there is no other exchange of information not otherwise available to the public,  
16 relating to the details of the expenditure; or

17 (7) The expenditure is made at the request or suggestion of the candidate for  
18 the benefit of another candidate or committee.

19 (d) **Definition.** For purposes of ~~this Section~~ subsections (a)-(c), the terms "candidate"  
20 includes an agent of the candidate when the agent is acting within the course and scope of  
21 the agency.

22 (e) **Candidate Statements Regarding Coordination of Expenditures.** Candidates required to  
23 file campaign disclosure statements with the Ethics Commission shall attest, under penalty of perjury,  
24 that their candidate committees have not failed to report any expenditure made by another committee  
25 that would constitute a contribution to their candidate committees. Candidates shall file the form

1 required by this subsection (e) on the deadlines established by Section 1.135 for supplemental  
2 preelection statements.

3 **SEC. 1.128. ACCEPTANCE OR REJECTION OF VOLUNTARY EXPENDITURE**  
4 **CEILINGS.**

5 (a) **Eligible Candidates.** Candidates for Assessor, City Attorney, District Attorney,  
6 Public Defender, Sheriff, Treasurer, the Board of Education of the San Francisco Unified  
7 School District or the Governing Board of the San Francisco Community College District may  
8 accept the applicable voluntary expenditure ceiling. Candidates for the Board of Supervisors  
9 or Mayor may not accept a voluntary expenditure ceiling.

10 (b) **Acceptance of Voluntary Expenditure Ceiling.** To accept the applicable voluntary  
11 expenditure ceiling, a candidate must file a statement with the Ethics Commission accepting  
12 the applicable voluntary expenditure ceiling. A candidate who has filed such a statement may not  
13 make qualified campaign expenditures in excess of the voluntary expenditure ceiling, unless under  
14 Section 1.134, the Ethics Commission has lifted the applicable voluntary expenditure ceiling. The  
15 candidate shall file this statement no later than the deadline for filing nomination papers with  
16 the Department of Elections. A candidate may not withdraw the statement accepting the  
17 voluntary expenditure ceiling after filing the statement. A candidate may not file the statement  
18 accepting the applicable voluntary expenditure ceiling if the Ethics Commission has lifted the  
19 voluntary expenditure ceiling under Section 1.134 of this Chapter.

20 (c) **Voter Information Pamphlet.**

21 (1) Notice regarding each eligible candidate. The Director of Elections shall include  
22 in the Voter Information Pamphlet a notice informing voters whether each candidate for Assessor, City  
23 Attorney, District Attorney, Public Defender, Sheriff, Treasurer, the Board of Education of the San  
24 Francisco Unified School District or the Governing Board of the San Francisco Community College  
25 District has accepted the voluntary expenditure ceiling. For candidates who have accepted the

1 voluntary expenditure ceiling, the notice shall state: “The above candidate has accepted the City’s  
2 voluntary spending limit.” For candidates who have not accepted the voluntary expenditure ceiling,  
3 the notice shall state: “The above candidate has NOT accepted the City’s voluntary spending limit.”  
4 If a candidate was precluded from accepting the voluntary expenditure ceiling because the expenditure  
5 ceiling for a particular race was lifted under Section 1.134 of the Chapter before the candidate filed the  
6 statement required by this Section, the notice for that candidate shall state: “The City’s voluntary  
7 spending limit was lifted before the candidate decided whether to accept or not accept the limit.” The  
8 notice shall be printed in the same font size and type, and on the same page, as the candidate’s  
9 statement of qualifications.

10 (2) Notice regarding candidates for the Board of Supervisors and Mayor. The  
11 Director of Elections shall include in the Voter Information Pamphlet a notice informing voters that  
12 candidates for the Board of Supervisors and Mayor are not eligible to accept voluntary expenditure  
13 ceilings. Within 60 days after the effective date of the ordinance in Board File No. \_\_\_\_\_, after  
14 consulting with the Executive Director of the Ethics Commission, the Director of Elections shall  
15 determine the wording of the notice.

16 (e) (d) Website. The Ethics Commission shall maintain, on its website, a list of the  
17 candidates who have accepted the voluntary expenditure ceiling. If the Ethics Commission  
18 has lifted a voluntary expenditure ceiling for a particular race under Section 1.134 of this  
19 Chapter, the Ethics Commission shall instead maintain a list of the candidates who have  
20 accepted, but are no longer subject to the voluntary expenditure ceiling in that race.

21 ~~(d) A candidate who has accepted the applicable voluntary expenditure ceiling and makes~~  
22 ~~qualified campaign expenditures in excess of the voluntary expenditure ceiling, at a time when the~~  
23 ~~Ethics Commission has not lifted the applicable voluntary expenditure ceiling, is subject to the~~  
24 ~~penalties in Section 1.170.~~

1           **SEC. 1.142. PROCESS FOR ESTABLISHING ELIGIBILITY; CERTIFICATION BY**  
2 **THE ETHICS COMMISSION.**

3           (a) STATEMENT OF PARTICIPATION OR NON-PARTICIPATION. Each candidate  
4 for the Board of Supervisors or Mayor must sign and file a Statement of Participation or Non-  
5 Participation in the public financing program. The statement must be filed by the candidate  
6 with the Ethics Commission no later than the deadline for filing nomination papers. On the  
7 statement, each candidate shall indicate whether he or she intends to participate in the public  
8 financing program. A statement of participation or non-participation may not be amended  
9 after the deadline for filing nomination papers.

10           (b) DECLARATION BY CANDIDATE. To become eligible to receive public financing  
11 of campaign expenses under this Chapter, a candidate shall declare, under penalty of perjury,  
12 that the candidate satisfies the requirements specified in Section 1.140. Candidates shall be  
13 permitted to submit the declaration and any supporting material required by the Ethics  
14 Commission to the Ethics Commission no earlier than nine months before the date of the  
15 election, but no later than the 70th day before the election. Once the declaration and  
16 supporting material are submitted, they may not be amended. The declaration and supporting  
17 material may be withdrawn and refiled, provided that the refiling is made no later than the 70th  
18 day before the election.

19           If any deadline imposed by this Subsection falls on a Saturday, Sunday, or legal  
20 holiday, the deadline shall be the next business day.

21           (c) DETERMINATION OF ELIGIBILITY. The Executive Director of the Ethics  
22 Commission shall review the candidate's declaration and supporting material to determine  
23 whether the candidate is eligible to receive public funds under this Chapter. The Executive  
24 Director may audit the candidate's records, interview contributors and take whatever steps the  
25



1 Executive Director deems necessary to determine eligibility. At the request of the Executive  
2 Director, the Controller shall assist in this review process.

3 (d) DETERMINATION OF OPPOSITION. To determine whether a candidate for the  
4 Board of Supervisors is opposed as required under Section 1.140(b)(3) of this Chapter or a  
5 candidate for Mayor is opposed as required under Section 1.140(c)(3) of this Chapter, the  
6 Executive Director shall review the material filed pursuant to Section 1.152 of this Chapter,  
7 and may review any other material.

8 (e) CERTIFICATION. If the Executive Director determines that a candidate for Mayor  
9 or the Board of Supervisors has satisfied the requirements of Section 1.140, the Executive  
10 Director shall notify the candidate and certify to the Controller that the candidate is eligible to  
11 receive public financing under this Chapter. The Executive Director shall not certify that a  
12 candidate is eligible to receive public financing if the candidate's declaration or supporting  
13 material is incomplete or otherwise inadequate to establish eligibility. Except as provided in  
14 subsection (h), the Executive Director shall determine whether to certify a candidate no later  
15 than 30 days after the date the candidate submits his or her declaration and supporting  
16 material, provided that the Executive Director shall make all determinations regarding whether  
17 to certify a candidate no later than the 55th day before the election.

18 (f) RESUBMISSION. If the Executive Director declines to certify that a candidate is  
19 eligible to receive public financing under this Chapter, the Executive Director shall notify the  
20 candidate. Notwithstanding Section 1.142(b) of this Chapter, the candidate may, within five  
21 business days of the date of notification, resubmit the declaration and supporting material. If  
22 the candidate does not timely resubmit, the Executive Director's determination is final.

23 If, after viewing resubmitted material, the Executive Director declines to certify that a  
24 candidate is eligible to receive public financing under this Chapter, the Executive Director  
25 shall notify the candidate of this fact. Additional resubmissions may be permitted in the

1 Executive Director's discretion. If the candidate fails to resubmit in the time specified by the  
2 Executive Director, or if no further resubmissions are permitted, the Executive Director's  
3 determination is final.

4 (g) APPEAL TO THE ETHICS COMMISSION. If the Executive Director declines to  
5 certify that a candidate is eligible to receive public financing under this Chapter, the candidate  
6 may appeal the Executive Director's final determination to the Ethics Commission. The  
7 candidate must deliver the written appeal to the Ethics Commission within five days of the  
8 date of notification of the Executive Director's determination.

9 ~~(h) SUPERVISORIAL CANDIDATES SEEKING ELECTION IN NOVEMBER 2012. The~~  
10 ~~Executive Director shall not certify any supervisorial candidates seeking election in November 2012 as~~  
11 ~~eligible to receive public funds until the Redistricting Task Force, convened by the Board of~~  
12 ~~Supervisors in Ordinance No. 93-11, has completed its 2012 revision of supervisorial district~~  
13 ~~boundaries. Supervisorial candidates seeking election in November 2012 may submit their declaration~~  
14 ~~and any supporting material concerning their eligibility to the Ethics Commission prior to the~~  
15 ~~completion of the Redistricting Task Force's revision of supervisorial district boundaries.~~

16 **SEC. 1.143. ADJUSTING INDIVIDUAL EXPENDITURE CEILINGS.**

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

20 (a) The Executive Director shall ~~adjust~~ increase the Individual Expenditure Ceiling of a  
21 candidate for Mayor ~~by \$100,000, to an amount equal to~~ if the sum of the Total Opposition  
22 Spending against that candidate and the highest level of the Total Supportive Funds of any  
23 other candidate for Mayor ~~if such amount is greater than~~ exceeds \$1,475,000 ~~by any amount;~~  
24 ~~provided that thereafter,~~ the Executive Director ~~may adjust~~ shall increase a candidate's Individual  
25 Expenditure Ceilings ~~only~~ in increments of \$100,000.

1 (b) The Executive Director shall ~~adjust~~ increase the Individual Expenditure Ceiling of a  
2 candidate for the Board of Supervisors ~~by \$25,000, to an amount equal to~~ if the sum of the Total  
3 Opposition Spending against that candidate and the highest level of the Total Supportive  
4 Funds of any other candidate for the same office on the Board of Supervisors ~~if such amount is~~  
5 ~~greater than~~ exceeds \$250,000 ~~by any amount;~~ ~~provided thereafter,~~ the Executive Director ~~may~~  
6 ~~adjust~~ shall increase a candidate's Individual Expenditure Ceiling ~~only~~ in increments of ~~\$10,000~~  
7 \$25,000.

8 \* \* \* \*

9 **SEC. 1.150. AUDIT; REPAYMENT.**

10 (a) AUDIT. The Ethics Commission shall audit all candidate committees whose  
11 candidates have received public financing under this Chapter. ~~Audits of candidate committees~~  
12 ~~conducted under this Subsection shall begin within 60 days after the date the candidate committees'~~  
13 ~~first post election campaign disclosure report is required to be filed pursuant to Section 1.106 of this~~  
14 ~~Chapter.~~ In his or her discretion, the Executive Director may initiate additional targeted or  
15 randomly selected audits of any committee, irrespective of whether the committee received  
16 any public funds. The Ethics Commission must complete any audits of candidate committees,  
17 including any audit-related penalties or enforcement actions, required by or initiated under this  
18 subsection (a) within 24 months of the date on which the candidate committees' first post-election  
19 campaign disclosure report is filed under Section 1.106. At the request of the Executive Director,  
20 the Controller shall assist in conducting these audits.

21 \* \* \* \*

22 **SEC. 1.152. SUPPLEMENTAL REPORTING IN ELECTIONS FOR BOARD OF**  
23 **SUPERVISORS AND MAYOR.**

24 (a) ELECTIONS FOR THE BOARD OF SUPERVISORS.

1 (1) In addition to the campaign disclosure requirements imposed by the  
2 California Political Reform Act and other provisions of this Chapter, each candidate committee  
3 supporting a candidate for the Board of Supervisors shall file a statement with the Ethics  
4 Commission indicating when the committee has received contributions to be deposited into its  
5 Campaign Contribution Trust Account or made expenditures that equal or exceed ~~\$5,000~~  
6 \$10,000 within 24 hours of reaching or exceeding that amount.

7 (2) In addition to the supplemental report in Subsection (a)(1) of this Section,  
8 each candidate committee supporting a candidate for the Board of Supervisors shall file a  
9 statement with the Ethics Commission disclosing when the committee has received  
10 contributions to be deposited into its Campaign Contribution Trust Account or made  
11 expenditures that in the aggregate-equal or exceed \$100,000. The candidate committee shall  
12 file this report within 24 hours of reaching or exceeding the threshold. Thereafter, the  
13 candidate committee shall file an additional supplemental report within 24 hours of every time  
14 the candidate committee receives additional contributions to be deposited into its Campaign  
15 Contribution Trust Account or makes additional expenditures that in the aggregate equal or  
16 exceed \$10,000.

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

20 \* \* \* \*

21 **SEC. 1.156. REPORTs TO THE MAYOR AND BOARD OF SUPERVISORS.**

22 (a) Public Financing. Following each election at which the Mayor or members of the  
23 Board of Supervisors are elected, the Ethics Commission shall submit a report to the Mayor  
24 and Board of Supervisors regarding the administration, efficacy, and operation of the City's public  
25 financing program. The report shall state the amount of public funds used to pay for election

1 campaigns in that election and such other information as the Ethics Commission deems  
2 useful, including the number of candidates who received public funds; the number of  
3 nonparticipating candidates; the amount of qualified campaign expenditures made by all  
4 candidates in that election; and the amount of independent expenditures made in connection  
5 with the election.

6 (b) Social Media and Emerging Technologies. On an annual basis, the Ethics Commission  
7 shall submit a report to the Mayor and Board of Supervisors regarding the impact of social media and  
8 other emerging technologies on the City's campaign finance laws and the purposes of this ordinance,  
9 as set forth in Section 1.100.

#### 10 **SEC. 1.161. CAMPAIGN ADVERTISEMENTS.**

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

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

23 (2) WEBSITE REFERRAL. Each disclaimer required by the Political Reform  
24 Act or its enabling regulations and by this section shall be followed in the same required  
25 format, size and speed by the following phrase: "Financial disclosures are available at

1 sfethics.org." A substantially similar statement that specifies the web site may be used as an  
2 alternative in audio communications.

3 (3) MASS MAILINGS AND SMALLER WRITTEN ADVERTISEMENTS. Any  
4 disclaimer required by the Political Reform Act and by this section on a mass mailing, door  
5 hanger, flyer, poster, oversized campaign button or bumper sticker, or print advertisement  
6 shall be printed in at least ~~12-point~~ 14-point font.

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

13 (5) AUDIO AND VIDEO ADVERTISEMENTS. For audio advertisements, the  
14 disclaimers required by this Section 1.161 shall be spoken at the beginning of such advertisements.  
15 For video advertisements, the disclaimers required by this Section 1.161 shall be spoken at the  
16 beginning of such advertisements and appear in writing during the entirety of the advertisements.

17 (b) FILING REQUIREMENTS.

18 (1) INDEPENDENT EXPENDITURES. Committees required by state law to file  
19 late independent expenditure reports disclosing expenditures that support or oppose a  
20 candidate for City elective office shall also file with the Ethics Commission on the same date a  
21 copy of the associated advertisement(s), including copies of any advertisements placed through  
22 social media technologies, and

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

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

3 (2) CANDIDATE MASS MAILINGS AND SOCIAL MEDIA ADVERTISEMENTS.

4 (A) Mass mailings.

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

8 ~~(B)~~ (ii) Each candidate committee that pays for a mass mailing  
9 shall file a copy of the mailing and the itemized disclosure statement required by this  
10 subsection (b)(2) within 48 hours of the date of the mailing if the date of the mailing occurs  
11 within the final 16 days before the election.

12 (B) Social media advertisements.

13 (i) Each candidate committee that pays for an advertisement placed  
14 through social media technologies shall, within five working days after the date of the distribution of  
15 the advertisement, file a copy of the advertisement and an itemized disclosure statement with the Ethics  
16 Commission for that advertisement.

17 (ii) Each candidate committee that pays for an advertisement placed  
18 through social media technologies shall file a copy of the advertisement and the itemized disclosure  
19 statement required by this subsection (b)(2) within 48 hours of the date of the distribution of the  
20 advertisement if the distribution occurs within the final 16 days before the election.

21 (C) The itemized disclosure statements required by this subsection (b)(2) shall  
22 disclose the vendor(s) used, the service(s) or item(s) provided by each vendor and the number of  
23 candidate mass mailings distributed or the number of individuals targeted by each social media  
24 advertisement.

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

3 **SEC. 1.162. ELECTIONEERING COMMUNICATIONS.**

4 (a) DISCLAIMERS.

5 (1) Every electioneering communication for which a statement is filed pursuant  
6 to subsection (b) shall include the following disclaimer: "Paid for by \_\_\_\_\_ (insert the  
7 name of the person who paid for the communication)." and "Financial disclosures are  
8 available at sfethics.org."

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

13 (3) Notwithstanding subsection (a)(2), any disclaimer required by this Section:

14 (A) to appear on a mass mailing, door hanger, flyer, poster, oversized  
15 campaign button or bumper sticker, or print advertisement, shall be printed in at least ~~12-point~~  
16 14-point font;

17 (B) to be included in an audio advertisement, shall be spoken at the beginning of  
18 such advertisements; or

19 (C) to be included in a video advertisement, be spoken at the beginning of such  
20 advertisements and appear in writing during the entirety of the advertisements.

21 (b) REPORTING OBLIGATIONS.

22 (1) Every person who makes payments for electioneering communications in an  
23 aggregate amount of \$1,000 per candidate during any calendar year shall, within 24 hours of  
24 each distribution, file a disclosure statement with the Ethics Commission. For the purposes of  
25 this subsection, payments for a communication that refers only to one candidate shall be



1 attributed entirely to that candidate. Payments for a communication that refers to more than  
2 one candidate, or also refers to one or more ballot measures, shall be apportioned among  
3 each candidate and measure according to the relative share of the communication dedicated  
4 to that candidate or measure.

5 (2) Each disclosure statement required to be filed under this Section shall  
6 contain the following information for each communication:

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

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

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

19 (D) for any payments of \$100 or more that the person has received from  
20 another person, which were used for making electioneering communications, the date of the  
21 payment's receipt, the name, street address, city, state, and zip code of the person who made  
22 such payment, the occupation and employer of the person who made such payment, if any,  
23 or, if the person is self-employed, the name of the person's business, and the cumulative  
24 amount of payments received from that person during the calendar year which were used for  
25 making electioneering communications;

1 (E) a legible copy of the electioneering communication, and

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

4 (ii) if the communication is audio or video, a copy of the script and  
5 an audio or video file shall be provided; or

6 (iii) if the communication is distributed using social media technologies,  
7 a copy of the communication.

8 (F) any other information required by the Ethics Commission consistent  
9 with the purposes of this Section.

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

14 (4) The Ethics Commission shall determine the method for filing the disclosure  
15 statement and the copy of the communication, which may include electronic filing.

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

18 **SEC. 1.163. MEMBER COMMUNICATIONS.**

19 (a) Every person who makes payments for member communications in an aggregate  
20 amount of \$1,000 per candidate within the 90 days prior to an election shall, within 24 hours of  
21 each distribution, file a disclosure statement with the Ethics Commission. For the purposes of  
22 this subsection, payments for a communication that supports or opposes only one candidate  
23 shall be attributed entirely to that candidate. Payments for a communication that supports or  
24 opposes more than one candidate, or also supports or opposes one or more ballot measures,  
25

1 shall be apportioned among each candidate and measure according to the relative share of  
2 the communication dedicated to that candidate or measure.

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

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

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

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

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

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

19 (B) if the communication is audio or video, a copy of the script and an  
20 audio or video file shall be provided; or

21 (C) if the communication is distributed using social media technologies, a copy  
22 of the communication.

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

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

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

7 **SEC. 1.165. INFORMATION REGARDING THIRD-PARTY SPENDING IN MUNICIPAL**  
8 **ELECTIONS.**

9 (a) **Webpage.** *Prior to each municipal election, the Ethics Commission shall create a public*  
10 *webpage that provides the most readily available information regarding independent expenditures*  
11 *made in support of or opposition to candidates or ballot measures appearing on the ballot for that*  
12 *election, the committees that made the independent expenditures, all original sources of funds who*  
13 *contributed over \$20,000 to each of the listed committees, and the total amount those donors*  
14 *contributed. The Ethics Commission shall promote this webpage through social media technologies.*  
15 *The Director of Elections shall include in the Voter Information Pamphlet a reference to this Ethics*  
16 *Commission webpage.*

17 (b) **Ethics Commission Pamphlet.** *Before each municipal election, the Ethics Commission*  
18 *shall mail to each registered San Francisco voter a pamphlet that provides the following information*  
19 *regarding the prior municipal election, in order to provide voters with historical information about*  
20 *third-party spending in past elections: independent expenditures made in support of or opposition to*  
21 *local candidates or ballot measures appearing on the ballot; the committees that made the independent*  
22 *expenditures; the top four original sources of funds who contributed over \$20,000 to each of the listed*  
23 *committees; and the total amount those donors contributed. This pamphlet shall also reference the*  
24 *webpage required by subsection (a). The Ethics Commission shall mail these pamphlets by a date that*  
25

1 would allow each San Francisco voter to receive them no later than 30 days before each municipal  
2 election.

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

7 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
11 additions, and Board amendment deletions in accordance with the “Note” that appears under  
12 the official title of the ordinance.

13 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word  
14 of this ordinance, or any application thereof to any person or circumstance, is held to be  
15 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision  
16 shall not affect the validity of the remaining portions or applications of the ordinance. The  
17 Board of Supervisors hereby declares that it would have passed this ordinance and each and  
18 every section, subsection, sentence, clause, phrase, and word not declared invalid or  
19 unconstitutional without regard to whether any other portion of this ordinance or application  
20 thereof would be subsequently declared invalid or unconstitutional.

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

23 By: \_\_\_\_\_  
24 ANDREW SHEN, Deputy City Attorney

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