

1 [Regulation of Electioneering Communications.]

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3 **Ordinance amending Chapter One of Article One of the Campaign and Governmental**  
4 **Conduct Code by adding section 1.161.5 to create disclosure and filing requirements**  
5 **for the sponsors of electioneering communications.**

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.  
9 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 and Governmental Conduct Code is hereby  
11 amended by adding Section 1.161.5, to read as follows:

12 **SEC. 1.161.5. DISCLOSURE AND FILING REQUIREMENTS FOR ELECTIONEERING**  
13 **COMMUNICATIONS.**

14 **(a) DISCLOSURE STATEMENTS.**

15 **(1) Every electioneering communication shall include a disclosure statement identifying the**  
16 **person who paid for the communication. Such disclosure statement shall, at a minimum, contain the**  
17 **following words, "paid for by \_\_\_\_\_ (insert the name of the person who paid for the**  
18 **communication)."**

19 **(2) Any disclosure statement required by this section to be in printed form shall be printed in a**  
20 **type and color so as to be easily legible by the intended public. In no situation shall such disclosure**  
21 **statement be printed in less than 14 point type or in a color or print that does not contrast with the**  
22 **background so as to be easily legible by the intended public.**

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

1           (b) REPORTING OBLIGATIONS.

2           (1) Every person who makes payments for electioneering communications in an aggregate  
3 amount of \$1,000 during any calendar year shall, within 48 hours of each disclosure date, file an  
4 itemized statement with the San Francisco Ethics Commission.

5           (2) Each itemized statement required to be filed under this section shall be filed on a form  
6 promulgated by the San Francisco Ethics Commission and shall contain the following information:

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

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

11           (C) the total amount of payments made by the person for electioneering communications during  
12 the calendar year;

13           (D) a detailed description of each payment made by the person for electioneering  
14 communications during the calendar year, provided that the person has not already reported such  
15 payments on an itemized statement filed under this section; such detailed description shall include the  
16 date the payment was made, the full name and address of the person to whom the payment was made;  
17 the amount of the payment, and a brief description of the consideration for which each payment was  
18 made;

19           (E) a detailed accounting of any payments of \$100 or more that the person has received from  
20 another person, which were used for making electioneering communications, provided that the person  
21 has not already reported such payments received on an itemized statement filed under this section; such  
22 detailed accounting shall include the dollar amount or value of each payment, the date of the payment's  
23 receipt, the name street address, city, state, and zip code of the person who made such payment, the  
24 occupation and employer of the person who made such payment, if any, or, if the person is self-  
25

1 employed, the name of the person's business, and the cumulative amount of payments received for the  
2 purpose of making electioneering communications from that person during the calendar year;

3 (F) the total amount of all payments reported under subsection (E) during the calendar year;

4 and

5 (G) any other information required by the Ethics Commission consistent with the purposes of  
6 this section.

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

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

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

21 (c) DEFINITIONS.

22 Whenever in this section the following words or phrases are used, they shall mean:

23 (1) "Disclosure Date" shall mean: (A) the first date during any calendar year when an  
24 electioneering communication is distributed after a person has made payments aggregating \$1,000 for  
25 electioneering communications; and (B) after a person has met the threshold under subsection (A), any

1 date during that same calendar year when an electioneering communication is distributed, if that same  
2 person made any payments for such electioneering communication.

3 (2) "Distributed" shall mean the date on which the electorate of the candidate for City elective  
4 office or the City elective officer who is the subject of a recall election can view or hear the  
5 electioneering communication.

6 (3) "Electioneering Communication" shall mean any communication, including but not limited  
7 to any broadcast, cable, satellite, radio or telephone communication, and any mailing, flyer,  
8 doorhanger, pamphlet, brochure, card, billboard, facsimile, or printed advertisement, that:

9 (A) refers to a clearly identified candidate for City elective office or a City elective officer who  
10 is the subject of a recall election;

11 (B) is distributed within 90 days of an election for the City elective office sought by the  
12 candidate or a recall election regarding the City elective officer; and

13 (C) is targeted to the electorate of the candidate for City elective office or the City elective  
14 officer who is the subject of a recall election, but

15 (D) shall not include:

16 (i) communications that constitute expenditures or independent expenditures under this  
17 Chapter;

18 (ii) communications made by a slate mailer organization if such communications are required  
19 to be disclosed under California Government Code section 81000, et. seq.;

20 (iii) communications paid for by the City;

21 (iv) spoken communications between two or more individuals in direct conversation unless  
22 such communications are made by telephone and at least one of the individuals is compensated for the  
23 purposes of making the telephone communication;

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

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

4 (vii) communications made by any labor union, club, group, association, or organization, other  
5 than a political party, to its membership, if the communication is not generally distributed or broadcast  
6 to electors;

7 (viii) communications that are distributed by a corporation solely to its shareholders or  
8 employees;

9 (ix) communications that occur during a candidate debate or forum; and

10 (x) communications made solely to promote a candidate debate or forum made by or on behalf  
11 of the person sponsoring the debate or forum, provided that such communications do not otherwise  
12 discuss the positions or experience of a candidate for City elective office or a City elective officer who  
13 is the subject of a recall election.

14 (4) "Electorate of the candidate for City elective office or the City elective officer who is the  
15 subject of a recall election" shall mean 500 or more individuals who are eligible to vote in or eligible  
16 to register to vote in an election for the City elective office sought by the candidate or a recall election  
17 regarding the City elective officer.

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

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

24 By: \_\_\_\_\_  
25 CHAD A. JACOBS  
Deputy City Attorney