

LEGISLATIVE DIGEST

[Campaign and Governmental Conduct Code - Public Campaign Financing]

Ordinance amending the Campaign and Governmental Conduct Code to modify the deadline for participation in the City's public financing program and the operation of individual expenditure ceilings for participating candidates.

Existing Law

1. Deadline for participation in the City's public financing program.

Under Campaign and Governmental Conduct Code ("C&GC Code") Section 1.142(a), candidates who wish to participate in the City's public financing program must file their statements of participation by the local deadline for filing nomination papers.

2. Operation of individual expenditure ceilings

Candidates who participate in the City's public financing program are subject to an adjustable spending cap, referred to as an individual expenditure ceiling. Once they qualify, supervisorial candidates are subject to an individual expenditure ceiling of \$250,000, and mayoral candidates are subject to an individual expenditure ceiling of \$1,475,000. C&GC Code §§ 1.140(b)(4), 1.140(c)(4). As the election progresses, individual expenditure ceilings for publicly financed candidates increase based on the amount of supportive funds that benefit competing candidates and spending by third-parties who oppose their candidacies. *Id.* § 1.143. The Ethics Commission increases these individual expenditure ceilings in increments of \$10,000 for supervisorial candidates, and \$100,000 for mayoral candidates.

Amendments to Current Law

1. Deadline for participation in the City's public financing program.

The proposed legislation would allow candidates who wish to participate in public financing to file their statements of participation up to three days after the nomination deadline.

2. Operation of individual expenditure ceilings

The proposed legislation would increase the increments by which the Ethics Commission adjust individual expenditure ceilings – to \$50,000 for supervisorial candidates, and \$250,000 for mayoral candidates. The proposal would also make it more likely that these ceilings will increase, by authorizing the Ethics Commission to increase individual expenditure ceilings as soon as a publicly financed candidate exceeds the candidate's current ceiling by any amount.

Background Information

Under Campaign and Governmental Conduct Code Section 1.103, the Board of Supervisors may amend or repeal provisions of the City's public financing program only if:

- (a) the amendment furthers the purposes of this Chapter;
- (b) the Ethics Commission approves the proposed amendment in advance by at least a four-fifths vote of all its members;
- (c) the proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors; and
- (d) the Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.

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