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For SFEC use

## **THIRD PARTY DISCLOSURE FORM REGARDING SAN FRANCISCO CANDIDATES**

(S.F. Campaign and Governmental Conduct Code §§ 1.134(c), 1.152(a)(3), 1.152(b)(3), 1.161(b), 1.161.5, and 1.160.5)

### **I. Instructions**

Use this form to report third party spending regarding candidates for the following San Francisco City elective offices: Mayor, Board of Supervisors, Board of Education, Board of the Community College District, Sheriff, District Attorney, City Attorney, Treasurer, Assessor and Public Defender. If you have any questions about this form, please contact the Ethics Commission at 415-252-3100.

### **II. What type of third party spending must be reported?**

San Francisco Campaign and Governmental Conduct Code ("S.F. C&GC Code") sections 1.134(c), 1.152(a)(3), 1.152(b)(3), 1.161(b), 1.161.5, and 1.160.5 require persons who make any: (1) independent expenditure, (2) electioneering communication, or (3) member communication that clearly identifies a candidate for City elective office or authorizes administers or pays for a (4) persuasion poll to file disclosure statements with the Ethics Commission. For more information, please refer to the applicable sections of the law, available on the Ethics Commission's website at [www.sfethics.org](http://www.sfethics.org).

### **III. How to Complete the Third Party Disclosure Form**

All filers must complete Parts 1, 2, and 3 of this form. In Part 3, check the box(es) that identify your filing.

If you are attaching additional sheets of paper, check the box at the bottom of the section (part) to which the additional sheets of paper apply and label the additional sheet(s).

#### **Part 1**

Report Number: Assign a unique identification number to each Third Party Disclosure Form that you file for an election. You may use any numbering system such as 1, 2, 3 or a, b, c, or Candidate Ava-1, Candidate Ava-2, Candidate Ava-3, Candidate Bob-1, Candidate Bob-2 and so forth. Also label each communication with the same report number given to the form that the communication accompanies.

Amendments: If you are amending a previously filed form, check the Amendment box, and enter the identification number of the report that you are amending. Describe the reason for the amendment in the space provided.

A filer who does not know the actual costs when he or she is required to file this form may provide good faith estimates, provided that the filer must amend this statement within 48 hours after he or she receives accurate information regarding the actual costs.

## **Part 2**

Filer information: Provide filer's complete contact information.

## **Part 3**

Type of filing: Check the box(es) that identify the reason for filing this form. A single communication may trigger filing requirements prescribed by more than one section of the law. By filing one form, checking all the boxes that apply in part 3, providing the required disclosure in other parts of this form, and providing the applicable copy (copies) of the communication, you will satisfy the various filing requirements prescribed by sections 1.134(c), 1.152(a)(3), 1.152(b)(3), 1.161(b), 1.161.5, and 1.160.5.

## **Part 4---S.F. C&GC Code §§ 1.134(c), 1.152(a)(3), and 1.152(b)(3): \$5,000 expenditures**

Who files: Part 4 of this form must be completed by any person<sup>1</sup> who makes expenditures for the purpose of distributing independent expenditures, electioneering communications or member communications that clearly identify a candidate for City elective office in an aggregate amount of \$5,000 or more per candidate.

When to file: Within 24 hours of (1) reaching the initial threshold of \$5,000 and (2) each time the person makes or incurs an additional expense that in the aggregate totals \$5,000 or more per candidate.

This disclosure is required in a race for Mayor or Board of Supervisors only if the Ethics Commission has certified that at least one candidate for Mayor or one candidate for the Board of Supervisors in the same district is eligible to receive public funds. In all other races, disclosure is required only if at least one candidate has accepted the applicable voluntary expenditure ceiling and the Ethics Commission has not lifted that voluntary expenditure ceiling.

What to file: A disclosure statement (Part 4 of this form) and a legible copy of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or video.

The cost of a communication that supports or opposes more than one candidate or measure must be apportioned among each candidate and measure in the communication. Your records must include a calculation of how such costs were apportioned and determined.

## **Part 5---S.F. C&GC Code § 1.161(b): mass mailing**

Who files: Any person who makes independent expenditures of \$1,000 or more for a mass mailing that supports or opposes any candidate for City elective office must complete Part 5 of this form. The filer must disclose the itemized costs associated with the mailing, including but not limited to the amounts paid for photography, design, production, printing, distribution and postage. The filer must show each separate charge or payment for each cost associated with the mailing.

When to file: Within (a) five (5) working days after the date of the mailing; or (b) 48 hours of the date of the mailing if the date of the mailing occurs within the final 16 days before the election.

What to file: A disclosure statement (Part 5 of this form) and two originals of the mass mailing.

### What disclosure is required on the mass mailing?

The mass mailing must contain the following disclosure in at least 14 point font:

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<sup>1</sup> A person is any individual, partnership, corporation, association, firm, proprietorship, joint venture, syndicate, business trust, company, limited liability company, committee, club or other organization or group of persons acting in concert, however organized.

Notice to Required Voters (Required by City and County of San Francisco)

This mailing is not authorized or approved by any candidate for City and County office or by any election official. It is paid for by [name and committee identification number]. [address, city, state].  
Total Cost of this mailing is [amount].

**Part 6---S.F. C&GC Code § 1.161.5: electioneering communication**

Who files: Any person who makes payments for electioneering communications<sup>2</sup> that total \$1,000 during any calendar year.

When to file: Within 48 hours of each disclosure date.<sup>3</sup>

What to file: A disclosure statement (Part 6 of this form) and a legible copy of the electioneering communication if it is in printed form or a transcript of the electioneering communication if it is in spoken form.

What disclosure is required on the communication?

The electioneering communication must contain the following words, “paid for by \_\_\_\_ (insert the name of the person who paid for the communication).” This disclosure statement must be in at least 14 point type if the communication is in written form, or spoken at the same volume and speed as the rest of the communication and appropriately conveyed for the hearing impaired if it is in spoken form.

**Part 7---S.F. C&GC Code § 1.160.5: persuasion poll**

Who files: Any person who authorizes, administers or makes payment for a persuasion poll<sup>4</sup> must file this itemized statement with the San Francisco Ethics Commission within 48 hours of each disclosure date, unless the person is aware that another person authorizing, administering or making payment for the same persuasion poll has filed a form under section 1.160.5.

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<sup>2</sup> An electioneering communication is any communication (such as any broadcast, cable, satellite, radio, internet, or telephone communication, and any mailing, flyer, doorhanger, pamphlet, brochure, card, sign, billboard, facsimile, or printed advertisement) that: refers to a clearly identified candidate for City elective office or a City elective officer who is the subject of a recall election; and is distributed 90 days prior to an election for the City elective office sought by the candidate or a recall election regarding the City elective officer to 500 or more individuals.

<sup>3</sup> “Disclosure date” means (A) the first date during any calendar year when an electioneering communication is distributed after a person has made payments aggregating \$1,000 for electioneering communications; and (B) after the person has met the threshold under (A), any date during the same calendar year when an electioneering communication is distributed, if that same person made any payments for such electioneering communication.

<sup>4</sup> A “persuasion poll” is any telephone survey, or series of telephone surveys that are substantially similar or identical, that refers to a clearly identified candidate for City elective office or City elective officer, other than in a basic preference question, and that includes:

1. At least one call made within 60 days prior to an election for the City elective office sought by the candidate named in the survey or prior to a recall election regarding the City elective officer named in the survey; and
2. At least 1,000 completed calls, such as person-to-person discussions following the survey script; and

For which at least two of the following are true:

- Each phone conversation takes less than four minutes on average to complete, excluding any sponsorship identification.
- The survey includes fewer than three demographic inquiries regarding factors such as age, educational level, or marital status.
- The persons conducting the survey do not collect or tabulate survey results for all the phone conversations.
- The survey includes an untrue statement about the candidate or officer described in the persuasion poll.
- The survey is designed or intentionally conducted in a manner calculated to influence the vote of the call recipient.

When to file: Within 48 hours of the date of each of the following: (1) the date that a written formal agreement regarding the persuasion poll is made between the person making the calls and the poll sponsor(s) or the sponsor(s)' agent; (2) the date of the 1000<sup>th</sup> call in the poll; and (3) the date of each 1000<sup>th</sup> additional call in the poll.

What to file: A disclosure statement (Part 7 of this form) and a copy of the script used in conducting the persuasion poll, and a copy of every question asked in the survey and every statement made to respondents in the survey.

What disclosure is required for the persuasion poll?

Any caller conducting a persuasion poll must, at the beginning of each call, (1) identify the person(s) making payments for or authorizing the call by stating "This is a paid political advertisement by [Name of person(s)];" and (2) identify the person making the call, if different from the sponsor, by stating "This call is conducted by [Name of person]." These disclosures must be spoken at the same volume and speed as the rest of the communication so as to be clearly audible by the call recipient and otherwise appropriately conveyed for the hearing impaired. These disclosures must be repeated upon the request of the call recipient.

**IV. How do you determine the filing deadline if you meet the filing obligations of more than one of the sections described above?**

For any expenditure, a person may be required to file reports under more than one section of the law. This form allows you to disclose various third-party spending through one form. While most of these filing obligations require you to report spending within 24 hours of making the expenditure, some of these requirements prescribe a longer time-frame to file your reports. If you are required to report expenditures under multiple requirements with differing filing deadlines, you must submit this form by the earliest deadline applicable in order for your filing to be considered timely.

**V. May you fax or email the Third Party Disclosure Form to the Ethics Commission?**

You may file the Third Party Disclosure Form by facsimile, email, postal mail, or in-person delivery (keep in mind that most of the above-referenced rules require 24-hour notification). You must attach a clear and legible copy of the communication.

While most of the above-referenced rules require a person to file one copy of the communication, section 1.161(b) regarding mass mailings requires two originals of the mass mailing.

Example: A filer pays for an electioneering communication for a candidate for the Board of Supervisors and meets the filing thresholds of Parts 4 and 6 of this form. Parts 4 and 6 each require the filer to provide a legible copy of the communication. The filer must complete both Parts 4 and 6, but needs only to provide only one copy of the communication.

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**THIRD PARTY DISCLOSURE FORM REGARDING SAN FRANCISCO CANDIDATES**  
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 1.161(b), 1.161.5, and 1.160.5)

**Part 1. Report Information**

Date of this filing	Enter date of election
No. of pages (do not count pages with instructions)	
Report Number (Assign a unique identification number to each original filing. Label attached communication with same number.)	
<input type="checkbox"/> Amendment to Report Number (list report number below and explain reason for amendment in next row)	
Reason for amendment:	

**Part 2. Filer Information**

Name of Filer (if committee, enter committee name)	FPPC I.D. Number (if applicable)
Filer telephone number (     )	
Filer street address, city, state and zip code	
Signature	
Name of signatory	Date signed

**Part 3. Type of Filing (check all boxes that apply)**

- Part 4---Section 1.134(c), 1.152(a)(3), or 1.152(b)(3) filing (\$5,000 expenditures)
- Part 5---Section 1.161(b) filing (mass mailing)
- Part 6---Section 1.161.5 filing (electioneering communication)
- Part 7---Section 1.160.5 filing (persuasion poll)

## Part 4. Report of Expenditures of \$5,000 or More Relating to a Candidate

In elections for City elective office other than Mayor or the Board of Supervisors, this part of the form is required only if at least one candidate for the City elective office has accepted the applicable voluntary expenditure ceiling and the Ethics Commission has not lifted the voluntary expenditure ceiling. In elections for Mayor or the Board of Supervisors, this form is required when the Ethics Commission has certified at least one candidate in the race as eligible to receive public funds.

a. Specify the race(s), including district number, in which cumulative expenditures of \$5,000 or more per candidate were made: \_\_\_\_\_

b. In the table below, provide information about all expenditures that aggregate to \$5,000 or more per candidate for City elective office.<sup>5</sup>

Candidate(s) identified in the communication	Type of Expenditure(s), i.e., independent expenditure, electioneering communication, or member communication	Indicate whether communication is intended to (1) support; or (2) oppose the candidate; or (3) be neutral.	Date of expenditure(s) (earlier of date goods/services are received or paid)	Cost apportioned to this candidate <sup>6</sup>	Total amount of expenditures made related to this candidate for the election specified <sup>7</sup>	Date the communication was distributed (the date the communication was broadcasted, mailed, disseminated, or passed out)

c. Attach a legible copy of the communication if it is conveyed in writing or an electronic recording if it is conveyed via audio or video. Remember to label your communication so that it matches the Report Number that you assign to this form.

d. Please check this box if you are attaching additional pages and indicate the number of pages attached:  No. of additional pages: [       ]

<sup>5</sup> "Expenditures" include independent expenditures, electioneering communications and member communications. You must include expenses that have been incurred but not yet paid. Do not count contributions made directly to candidates.

<sup>6</sup> In this column, include all unreported expenditures relating to this candidate. For example, if you previously incurred \$2,000 in independent expenditures for Candidate Dhillon that were not reported because you had not met the \$5,000 threshold at that time, and then you incurred another \$4,000 for Candidate Dhillon, you must report in this column that you spent a cumulative amount of \$6,000 for this candidate. In this example, you would attach a copy of the communication(s) relating to the \$2,000 and \$6,000 expenditures.

<sup>7</sup> In this column, report the sum of all previously reported amounts and the amount currently being reported.

## Part 5. Itemized Disclosure Statement for Mass Mailings

a. Describe the mass mailing by completing the table below.

Title or description of mass mailing:	
Date of mass mailing:	
Total cost of mass mailing:	
Number of pieces mailed:	

b. Please provide the following information in the table below:

- The name, address (including street, city, and zip code) of each vendor
- The services or items provided by the vendor
- The cost of each service or item provided by the vendor

Name of Vendor	Service or Item Provided	Cost of Each Service or Item
	<input type="checkbox"/> photography <input type="checkbox"/> design (which may include graphics, text, layout, proofs) <input type="checkbox"/> production (which may include paper, printing, photocopying) <input type="checkbox"/> distribution (which may include mail house, folding, stuffing, sorting, labels, mailing lists) <input type="checkbox"/> postage (which may include US postage, other delivery, messenger, courier) <input type="checkbox"/> other _____	<input type="checkbox"/> Check box if this is an estimated cost
	<input type="checkbox"/> photography <input type="checkbox"/> design (which may include graphics, text, layout, proofs) <input type="checkbox"/> production (which may include paper, printing, photocopying) <input type="checkbox"/> distribution (which may include mail house, folding, stuffing, sorting, labels, mailing lists) <input type="checkbox"/> postage (which may include US postage, other delivery, messenger, courier) <input type="checkbox"/> other _____	<input type="checkbox"/> Check box if this is an estimated cost
	<input type="checkbox"/> photography <input type="checkbox"/> design (which may include graphics, text, layout, proofs) <input type="checkbox"/> production (which may include paper, printing, photocopying) <input type="checkbox"/> distribution (which may include mail house, folding, stuffing, sorting, labels, mailing lists) <input type="checkbox"/> postage (which may include US postage, other delivery, messenger, courier) <input type="checkbox"/> other _____	<input type="checkbox"/> Check box if this is an estimated cost

c. Attach two of the original pieces of the mass mailing. Remember to label your mass mailing so that it matches the Report Number that you assign to this form.

d. Please check this box if you are attaching additional pages and indicate the number of pages attached:  No. of additional pages: [       ]

## Part 6. Itemized Disclosure Statement for Electioneering Communications

a. Complete Schedule A below.

Schedule A: Information about electioneering communication	
1.	Name of any individual exercising/ sharing direction and control over filer:
2.	Total amount of payments made for electioneering communications during calendar year:
3.	Total amount of payments made that are itemized on this statement (please provide information regarding these payments on Schedule B):
4.	Total amount of all payments received to date for electioneering communications during the calendar year:
5.	Total amount of payments received that are itemized on this statement ( please provide information regarding these previously unreported payments of \$100 or more on Schedule C):
6.	Name and Office of Candidate(s) or City Elective Officer identified in this Electioneering Communication:
7.	Date Electioneering Communication was distributed:

b. Complete Schedule B below to provide information regarding payment(s) disclosed in **Item 3 above** (Schedule A), which have not been reported on a previously filed itemized disclosure statement.

Schedule B: Information regarding payments made for electioneering communications (from line 3 on Schedule A)				
	(i)	(ii)	(iii)	(v)
	Date Payment Made	Full Name & Street Address of Person to Whom Payment was Made	Amount of Payment	Description of Consideration for Which Payment was Made
a.			<input type="checkbox"/> Check box if this is an estimated cost	
b.			<input type="checkbox"/> Check box if this is an estimated cost	
c.			<input type="checkbox"/> Check box if this is an estimated cost	

Check box if additional pages of Schedule B are used:



**Part 6. Itemized Disclosure Statement for Electioneering Communications  
(continued)**

c. Complete Schedule C below to provide information regarding payment(s) disclosed in **Item 5 above** (Schedule A), which have not been reported on a previously filed itemized disclosure statement.

**Schedule C: Information regarding previously unreported payments of \$100 or more that the filer received from another person were used for making the electioneering communications (from line 5 on Schedule A)**

	(i)	(ii)	(iii)	(iv)	(v)
	Date Payment Received	Amount/Value of Payment Received	Full Name, Street Address, City, State and Zip Code of Person From Whom Filer Received Payment(s)	Occupation and Employer of Person Identified in Column (iii), or, if the Person is Self-Employed, the Name of the Person's Business	Cumulative Amount of Payments Received From Person Identified in Column (iii) During Calendar Year
a.					
b.					
c.					

Check box if additional pages of Schedule C are used:

d. Attach a legible copy, or a transcript if in spoken form, of the electioneering communication. Remember to label your communication so that it matches the Report Number that you assign to this form.

## Part 7. Itemized Disclosure Statement for Persuasion Polls

a. Provide information regarding each person who authorized, administered or made payments for the persuasion poll

Full Name	Street Address	City	State	Zip Code	Email	Telephone Number

b. Provide information regarding each person who shared or exercised direction and control over the person(s) named in (a) above

Name of Person Making Payment	Street Address	City	State	Zip Code	Occupation and Employer (If self employed, name of business.)	Date Payment Received	Amount of Payment	Cumulative Amount Received

c. Provide information regarding person(s) who made payments of \$100 or more to the person(s) named in (a) or (b) above

Full Name	Street Address	City	State	Zip Code	Email	Telephone Number

d. Provide information about the Persuasion Poll

Disclosure date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Please check below to indicate the applicable type of disclosure date.

- The date that a written formal agreement regarding the persuasion poll was made between the person making the calls and the poll's sponsor or the sponsor's agent
- The date of the 1,000<sup>th</sup> call in the persuasion poll
- The date of each 1,000<sup>th</sup> additional call in the persuasion poll

The dates during which the persuasion poll was conducted: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

The persuasion poll was conducted in relation to the:

- City wide election of \_\_\_\_\_ or  
Name of Office
- District \_\_\_\_\_ election for member of the Board of Supervisors  
District #

## Part 7. Itemized Disclosure Statement for Persuasion Polls (continued)

Please include the following information:

- For each day, the number of calls attempted to households in the City and County of San Francisco if the election is a City-wide election, or the number of calls to households in the district if the election is a district election
- For each day, the number of individuals contacted and the number of messages left in households in the City and County of San Francisco if the election is a City-wide election, or the number of individuals contacted and the number of messages left in households in the district if the election is a district election

Date	Number of calls attempted	Number of individuals contacted	Number of messages left

e. Attach the following communications to this form. Remember to label your communications so that they match the Report Number that you assign to this form.

- A legible copy of the script used in conducting the persuasion poll **and**
- A copy of every question asked and every statement made in the persuasion poll

f. Please check this box if you are attaching additional pages and indicate the number of pages attached:  No. of additional pages: [   ]