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JOHN ST. CROIX  
EXECUTIVE DIRECTOR

Date: February 18, 2015  
To: Members, Ethics Commission  
From: John St. Croix, Executive Director  
By: Jesse Mainardi, Deputy Executive Director  
Re: Proposed Regulatory Change for Public Financing Submissions

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Per its contract with the Commission, Netfile recently created an electronic filing system for candidates participating in the City's public financing program. Among other things, the new system allows candidates to submit contribution lists to the Commission in order to establish their eligibility to receive City funds and to otherwise comply with reporting requirements. Candidates are required to submit these contribution lists in order to qualify for public financing and, after qualification, to receive public matching funds.

Commission regulations currently provide that such information must be filed with the Commission "electronically as an attachment to an email or on a compact disc or floppy disk." (SFEC Regs. § 1.142-2(c).) In light of the new system, staff proposes that the Commission amend Regulation 1.142-2(c) to require candidates to file eligibility information with the Commission "electronically in a manner to be designated by the Commission." This language allows the use of the new system, but also permits flexibility should circumstances change in the future. The proposed regulatory language is included as an attachment to this memorandum.

Approval of the proposed change at this time will allow candidates to begin using the new electronic system in May 2015, which is when candidates for the November 2016 election will be able to begin raising funds to qualify for public financing. Staff does not currently intend to require candidates to use the new system for the November 2015 election as doing so could impose burdens on candidates who have already engaged in fundraising or who are using third-party reporting vendors that will have to modify their software to be compatible with the Commission's new electronic system. However, staff will work with other candidates who otherwise are able to use the new system for the November 2015 election.

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Attachment: Proposed amendment

**Regulation 1.142-2: Process for Establishing Eligibility; Filing Requirements.**

(a) Filing Requirement.

Every candidate for the Board of Supervisors who wishes to become eligible to receive public financing must file Form SFEC-142(b)-1 (Declaration for Public Funds), Form SFEC-142(c)-1 (Qualifying Contributions List) and supporting material with the Ethics Commission no earlier than nine (9) months before but no later than the 70th day before the date of the election.

Every candidate for Mayor who wishes to become eligible to receive public financing must file Form SFEC-142(b)-2 (Declaration for Public Funds), Form SFEC-142(c)-2 (Qualifying Contributions List), and supporting material with the Ethics Commission no earlier than nine (9) months before and no later than the 70th day before the date of the election.

(b) Declaration by Candidate: Forms SFEC-142(b)-1 and SFEC-142(b)-2.

The information disclosed on Forms SFEC-142(b)-1 and SFEC-142(b)-2 (Declaration by Candidate) shall include but is not limited to the following: the names, mailing and email addresses, and telephone and facsimile numbers for the candidate and treasurer; a list of authorized persons to receive payments from the Election Campaign Fund; and a declaration under penalty of perjury by the candidate that he or she understands the requirements for participation in the public financing program.

(c) Qualifying and Matching Contributions Lists. The information disclosed on Forms SFEC-142(c)-1 and SFEC-142(c)-2 (Qualifying Contributions List) and Forms SFEC-144(a)-2 and 144(b)-2 (Matching Contributions List) shall include but is not limited to: each contributor's full name, the address of each contributor's primary residence, the total amount contributed by each contributor, the amount of each contributor's qualifying contribution, the date on which the candidate received each contributor's qualifying contribution, and the deposit batch number for each qualifying contribution. When the cumulative amount of contributions from any contributor equals or exceeds \$100, the information for any qualifying contribution from such contributor must also include the contributor's occupation, the contributor's employer or, if the contributor is self-employed, the name of the contributor's business. Candidates must file this information *electronically as an attachment to an email or on a compact disc or floppy disk electronically in a manner to be designated by the Commission.*