

# THE SUTTON LAW FIRM

May 11, 2009

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SAN FRANCISCO  
ETHICS COMMISSION

Mabel Ng, Esq.  
San Francisco Ethics Commission  
25 Van Ness Ave., Ste. 220  
San Francisco, CA 94102-6053

RE: Request for Advice

Dear Ms. Ng:

We are writing to request written confirmation of our recent telephone conversation. Specifically, you indicated that the Ethics Commission is now requiring San Francisco elected officials who are running for public office in a different jurisdiction to file semi-annual and pre-election campaign statements (FPPC Form 460) for their campaign in the other jurisdiction with the Ethics Commission, and to file these statements with the candidate's original signature; you also indicated that this requirement stems from the "cross-filing" rules originally set forth in FPPC Advice Letter to Bernard J. Barrett (5/27/88) No. A-88-168. Finally, you indicated that the Ethics Commission will only enforce the above requirements as of mid-April 2009, because the Ethics Commission's position with respect to this issue has been "inconsistent" in the past.

Thank you for your consideration of this request.

Sincerely,

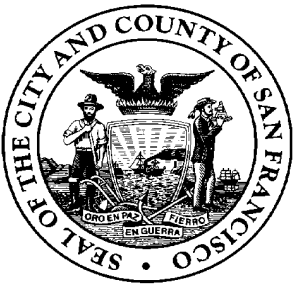


Jesse Mainardi

JAM/lc  
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# ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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EXECUTIVE DIRECTOR

May 29, 2009

Jesse Mainardi, Esq.  
Sutton Law Firm  
150 Post Street, Suite 405  
San Francisco, CA 94108

Dear Mr. Mainardi:

Thank you for your May 11, 2009 letter confirming our telephone conversation regarding the filing of campaign disclosure statements by City elective officers who are running for public office in another jurisdiction. As you know, the Fair Political Practices Commission ("FPPC") recently approved Regulation 18405, which provides that when an individual is simultaneously a candidate for a state elective office and a local elective office, or for elective office in two different local jurisdictions, the candidate must "file the originally signed campaign statement with the relevant jurisdiction (e.g., state committee campaign statement with Secretary of State, city committee campaign statement with local filing officer) and shall file a copy of the campaign statement with the other location(s)." *See* Regulation 18405(b)(1), approved by the FPPC on May 21, 2009. This provision applies only to semiannual and preelection statements. *Id.*

The Ethics Commission will adhere to Regulation 18405. Thus, for semiannual and preelection statements, a City elective officer who is also seeking election to a statewide office must file originally signed statements for his or her state committee with the Secretary of State and copies of those statements with the Ethics Commission.

Please let me know if you have questions.

Sincerely,

Mabel Ng  
Deputy Executive Director

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