

# FAQ on Proposition T

## Restricting Gifts and Campaign Contributions from Lobbyists

Approved by San Francisco Voters on the November 8, 2016 General Election Ballot

Prepared by the San Francisco Ethics Commission

How was the measure placed on the ballot?

Proposition T was placed on the ballot by a unanimous vote of the San Francisco Ethics Commission in July, 2016.

What does Proposition T do?

The measure has three key provisions that:

1. ban lobbyists from making campaign contributions to elected officials at agencies the lobbyists are registered to lobby and to candidates seeking election to those offices;
2. ban lobbyists from transmitting to those officials and candidates contributions collected from others, a practice commonly known as “bundling;”
3. ban lobbyists from giving City officers gifts of any value, including gifts of travel, and it prohibits lobbyists from making those payments through others.

Do other jurisdictions have similar laws?

The lobbyist contribution ban is similar to restrictions in place for the State of California and in the City of Los Angeles.

How will the contribution and bundling bans apply?

The bans apply to campaign contributions a lobbyist makes or bundles to any local committee a City officer or candidate controls, including a controlled ballot measure committee.

The measure applies to all lobbyists that must register with the Ethics Commission.

The law establishes a new duty for lobbyists to identify the agencies they plan to lobby, and to amend registration information within five days of the changed circumstances (such as a new agency that will be lobbied.)

If a lobbyist fails to fail to disclose which agencies the lobbyist attempts to influence as required, the lobbyist will be prevented from making any contributions to any City elective officer or candidate and their controlled committees, and from delivering or transmitting, or delivering or transmitting through a third party, any others’ contributions to City officers or candidates and their committee.

Lobbyists will be subject to these bans for 90 days after their registration to lobby any agency ends.

Are contributions by a lobbying firm or employer of a lobbyist affected by this measure?

They could be, depending on the degree of involvement the lobbyist has in directing and controlling those contributions. The same aggregation criteria that exists in current city law will also be applied for purposes of the lobbyist contribution ban. The contributions of an entity whose contributions are directed and controlled by any lobbyist will be aggregated with contributions made by that lobbyist.

How does the gift ban apply?

Lobbyists will no longer be permitted to provide officials with things of value that state law defines as a gift. Gifts of travel – meaning a payment, advance or reimbursement for travel, and including transportation, lodging, and food and refreshment connected with the travel – will also be banned.

In addition, the measure clarifies that a lobbyist will be prohibited from making or acting as an intermediary for any payment to a third party that is earmarked for use in making gifts, including gifts of travel, to an officer of the City and County, or parent, spouse, domestic partner, or child of an officer of the City and County.

Are there any exceptions to the gift ban for non-profits that qualify as a lobbyist?

A limited exception will allow City officers to receive food and beverages worth \$25 or less at a public meeting held by a 501c3 non-profit organization that has qualified as a lobbyist when those refreshments are equally available to all attendees of the public event.

Will City officers be banned from receiving gifts a lobbyist would be prohibited from making?

Yes. City officers will also be prohibited from soliciting and receiving prohibited lobbyist gifts.

In addition, no officer of the City and County will be allowed to accept or solicit any such gift from a third party if the officer knows or has reason to know that the third party is providing the gift or gift of travel on behalf of a lobbyist.

Is there an appropriation required?

The measure provides one-time funding of \$115,000 for the Ethics Commission to modify its online lobbyist registration technology to accommodate the changes made by this measure for administrative and enforcement purposes.

When will the law take effect?

Because of the technology changes that will be required to implement the new law, the law will become operational on January 1, 2018.

Can this law be amended or changed at a later date?

Yes. In general, voter-approved measures can only be amended by later voter-approved measures. But this measure also allows the Board of Supervisors to amend its provisions if:

- The amendment furthers the purposes of the Lobbyist Ordinance;
- The Ethics Commission approves the proposed amendment in advance by at least a four-fifths vote of all its members;
- 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
- The Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.

What is the Ethics Commission?

San Francisco voters established the Ethics Commission in November 1993 through a ballot measure that amended the City Charter. The Ethics Commission serves the public, city employees and officials and candidates for public office through education and enforcement of ethics laws. It oversees the registration and regulation of lobbyists, candidates and campaign consultants, among many other duties.

Who appoints Members of the Ethics Commission?

Each of the five members of the Ethics Commission is appointed by different appointing authority and may serve one six-year term in office. The Mayor, the Board of Supervisors, the District Attorney, the City Attorney, and the Assessor-Recorder each have one appointment to the Ethics Commission.

If I have questions about how the new law will apply to me, where can I get additional information or advice?

Please feel free to contact the Ethics Commission's Education and Compliance division with any questions about your responsibilities under the law. We can be reached at (415) 252-3100 during normal business hours and will be happy to assist you.