

1 [Campaign and Governmental Conduct Code - Amending Campaign Finance and Conflict of
Interest Provisions]

2

3 **Ordinance amending the Campaign and Governmental Conduct Code to 1) prohibit**
4 **earmarking of contributions and false identification of contributors; 2) require**
5 **disclosure of contributions solicited by City elective officers for ballot measure and**
6 **independent expenditure committees; 3) require additional disclosures for campaign**
7 **contributions from business entities to San Francisco political committees; 4) require**
8 **disclosure of bundled campaign contributions; 5) prohibit behested payments to City**
9 **elective officers and candidates for City elective offices who must approve certain City**
10 **contracts; 6) prohibit campaign contributions to members of the Board of Supervisors,**
11 **candidates for the Board, the Mayor, candidates for Mayor, and their controlled**
12 **committees, from any person with pending or recently resolved land use matters; 7)**
13 **allow members of public to receive a portion of penalties collected in certain**
14 **enforcement actions; 8) modify the statute of limitations for campaign finance**
15 **violations; 9) permit the Ethics Commission to recommend debarment as a penalty for**
16 **campaign finance violations; 10) create new conflict of interest and political activity**
17 **rules for elected officials and members of boards and commissions; 11) specify**
18 **recusal procedures; and 12) appropriate \$230,000 to fund administrative and**
19 **enforcement costs to implement this ordinance.**

20 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
21 **Additions to Codes** are in *single-underline italics Times New Roman font*.
22 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
23 **Board amendment additions** are in double-underlined Arial font.
24 **Board amendment deletions** are in ~~strikethrough Arial font~~.
25 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

1 Section 1. The Campaign and Governmental Conduct Code, Article I, Chapter 1, is
2 hereby amended by revising Sections 1.104, 1.114, 1.126, 1.135, and 1.168 and adding
3 Sections 1.114.5, 1.123, 1.124, 1.125, and 1.127, to read as follows:

4 **SEC. 1.104. DEFINITIONS.**

5 Whenever in this Chapter 1 the following words or phrases are used, they shall mean:

6 * * * *

7 “Business entity” shall mean a limited liability company (LLC), corporation, limited
8 partnership, or limited liability partnership.

9 * * * *

10 “Financial interest” shall mean an ownership interest of at least 10% in the project or property
11 that is the subject of the land use matter. “Financial interest” shall also mean holding the position of
12 director or principal officer, including President, Vice-President, Chief Executive Officer, Chief
13 Financial Officer, Chief Operating Officer, Executive Director, Deputy Director, or member of Board
14 of Directors in an entity with at least 10% ownership interest in the project or property that is the
15 subject of the land use matter. “Financial interest” shall also include the primary developer of the
16 project or property and anyone holding the position of director or principal officer, including
17 President, Vice-President, Chief Executive Officer, Chief Financial Officer, Chief Operating Officer,
18 Executive Director, Deputy Director, or member of Board of Directors in the developer.

19 * * * *

20 “Land use matter” shall mean any application for a permit or variance under the San
21 Francisco Building or Planning Codes, any application for a determination or review required by the
22 California Environmental Quality Act (California Public Resources Code Section 21000 et seq.), any
23 development agreement, or any other non-ministerial decision regarding a land use project provided
24 that the value or construction costs of the permit, variance, review, or other non-ministerial land use
25 decision is \$1,000,000 or more. This term shall not include an ordinance or resolution; provided that,

1 “land use matter” shall include any ordinance or resolution that applies only to a single project or
2 property or includes an exception for a single project or property.

3 “Made at the behest of” a candidate or officer shall mean under the control or at the direction
4 of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with
5 the express, prior consent of the candidate or officer.

6 * * * *

7 “Solicit” shall mean personally requesting a contribution from any candidate or committee,
8 either orally or in writing.

9 * * * *

10 **SEC. 1.114. CONTRIBUTIONS - GENERAL LIMITS AND PROHIBITIONS.**

11 (a) LIMITS ON CONTRIBUTIONS TO CANDIDATES. No person other than a
12 candidate shall make, and no campaign treasurer for a candidate committee shall solicit or
13 accept, any contribution which will cause the total amount contributed by such person to such
14 candidate committee in an election to exceed \$500.

15 (b) LIMITS PROHIBITION ON CONTRIBUTIONS FROM CORPORATIONS. No
16 corporation organized pursuant to the laws of the State of California, the United States, or any
17 other state, territory, or foreign country, whether for profit or not, shall make a contribution to a
18 candidate committee, provided that nothing in this subsection shall prohibit such a corporation
19 from establishing, administering, and soliciting contributions to a separate segregated fund to
20 be utilized for political purposes by the corporation, provided that the separate segregated
21 fund complies with the requirements of Federal law including Sections 432(e) and 441b of
22 Title 2 of the United States Code and any subsequent amendments to those Sections.

1 (d) EARMARKING. No person may make a contribution to a committee on the condition or
2 with the agreement that it will be contributed to any particular candidate to circumvent the limits
3 established by subsections (a) and (b).

4 ~~(e)~~ (e) AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.

5 (1) General Rule. For purposes of the contribution limits imposed by this
6 Section and Section 1.120 the contributions of an entity whose contributions are directed and
7 controlled by any individual shall be aggregated with contributions made by that individual and
8 any other entity whose contributions are directed and controlled by the same individual.

9 (2) Multiple Entity Contributions Controlled by the Same Persons. If two or
10 more entities make contributions that are directed and controlled by a majority of the same
11 persons, the contributions of those entities shall be aggregated.

12 (3) Majority-Owned Entities. Contributions made by entities that are majority-
13 owned by any person shall be aggregated with the contributions of the majority owner and all
14 other entities majority-owned by that person, unless those entities act independently in their
15 decisions to make contributions.

16 (4) Definition. For purposes of this Section, the term "entity" means any person
17 other than an individual and "majority-owned" means a direct or indirect ownership of more
18 than 50 percent.

19 ~~(d) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of contributions~~
20 ~~received from a contributor is \$100 or more, the committee shall not deposit any contribution that~~
21 ~~causes the total amount contributed by a person to equal or exceed \$100 unless the committee has the~~
22 ~~following information: the contributor's full name; the contributor's street address; the contributor's~~
23 ~~occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name~~
24 ~~of the contributor's business. A committee will be deemed not to have had the required contributor~~
25

1 ~~information at the time the contribution was deposited if the required contributor information is not~~
2 ~~reported on the first campaign statement on which the contribution is required to be reported.~~

3 (e) (f) FORFEITURE OF UNLAWFUL CONTRIBUTIONS. In addition to any other
4 penalty, each committee that receives a contribution which exceeds the limits imposed by this
5 Section 1.114 or which does not comply with the requirements of this Section 1.114 shall pay
6 promptly the amount received or deposited in excess of the permitted amount ~~permitted by this~~
7 ~~Section~~ to the City and County of San Francisco ~~and by~~ delivering the payment to the Ethics
8 Commission for deposit in the General Fund of the City and County; provided that the Ethics
9 Commission may provide for the waiver or reduction of the forfeiture.

10 (f) (g) RECEIPT OF CONTRIBUTIONS. A contribution to a candidate committee or
11 committee making expenditures to support or oppose a candidate shall not be considered
12 received if it is not cashed, negotiated, or deposited and in addition it is returned to the donor
13 before the closing date of the campaign statement on which the contribution would otherwise
14 be reported, except that a contribution to a candidate committee or committee making
15 expenditures to support or oppose a candidate made before an election at which the
16 candidate is to be voted on but after the closing date of the last campaign statement required
17 to be filed before the election shall not be considered to be deemed received if it is not
18 cashed, negotiated or deposited and is returned to the contributor within 48 hours of receipt.
19 For all committees not addressed by this Section 1.114, the determination of when
20 contributions are considered to be received shall be made in accordance with the California
21 Political Reform Act, California Government Code Section 81000, et seq.

22
23 **SEC. 1.114.5. CONTRIBUTIONS - DISCLOSURES.**

24 (a) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of contributions
25 received from a contributor is \$100 or more, the committee shall not deposit any contribution that

1 causes the total amount contributed by a person to equal or exceed \$100 unless the committee has the
2 following information: the contributor's full name; the contributor's street address; the contributor's
3 occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name
4 of the contributor's business. A committee will be deemed not to have had the required contributor
5 information at the time the contribution was deposited if the required contributor information is not
6 reported on the first campaign statement on which the contribution is required to be reported.

7 (b) ASSUMED NAME CONTRIBUTIONS.

8 (1) No contribution shall be made, directly or indirectly, by any person or combination
9 of persons, in a name other than the name by which they are identified for legal purposes, nor in the
10 name of another person or combination of persons.

11 (2) No person shall make a contribution in his, her or its name when using any payment
12 received from another person on the condition that it be used as a contribution.

13 (c) FORFEITURE OF UNLAWFUL CONTRIBUTIONS. In addition to any other penalty, each
14 committee that receives a contribution which does not comply with the requirements of Section 1.114.5
15 shall pay promptly the amount received or deposited to the City and County of San Francisco by
16 delivering the payment to the Ethics Commission for deposit in the General Fund of the City and
17 County; provided that the Ethics Commission may provide for the waiver or reduction of the forfeiture.

18
19 **SEC. 1.123. ADDITIONAL DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS**
20 **TO BALLOT MEASURE AND INDEPENDENT EXPENDITURE COMMITTEES.**

21 (a) Definitions. For purposes of this Section 1.123, the following words and phrases shall
22 mean:

23 “City elective officer” shall mean a person who holds the office of Mayor, Member of the Board
24 of Supervisors, Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff, or
25 Treasurer.

1 “Indirectly solicits” shall mean a solicitation made by any subordinate of a City elective officer,
2 unless the subordinate or the City elective officer can demonstrate by clear and convincing evidence
3 that the subordinate acted without the City elective officer’s authorization or knowledge.

4 “Subordinate” shall mean any employee of the City elective officer’s department; provided that,
5 subordinate employees of a member of the Board of Supervisors shall mean the legislative aides that
6 the member directs and supervises.

7 (b) **Disclosure Requirements.** Any City elective officer who directly or indirectly solicits a
8 contribution of \$10,000 or more to a state or local ballot measure committee, or a committee that
9 makes independent expenditures in support of or opposition to a candidate for City elective office, shall
10 disclose, within 72 hours after the contribution is made, the following information to the Ethics
11 Commission:

12 (1) the name of the contributor;

13 (2) the amount of the contribution;

14 (3) the name and Fair Political Practices Commission identification number of the
15 committee that received the contribution;

16 (4) the date the City elective officer, or the City elective officer’s subordinate, solicited
17 the contribution;

18 (5) if a subordinate solicited the contribution, the name of the subordinate;

19 (6) the date the contribution was made to the committee; and

20 (7) whether during the 12 months prior to the contribution the contributor contacted the
21 City elective officer, as contact is defined in Section 2.106, and if so, the legislative or administrative
22 action that the contributor sought to influence.

23 (c) **Filing Requirements.** The Ethics Commission may, through regulation, specify the form
24 and manner in which City elective officers shall submit this information.

1 (d) Website Posting. *The Ethics Commission shall make all information that is submitted in*
2 *accordance with subsection (b) publicly available through its website.*

3
4 **SEC. 1.124. ADDITIONAL DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS**
5 **MADE BY BUSINESS ENTITIES.**

6 (a) Additional Disclosures. *In addition to the campaign disclosure requirements imposed by*
7 *the California Political Reform Act and other provisions of this Chapter, any committee required to file*
8 *campaign statements with the Ethics Commission must disclose the following information for each*
9 *contribution that it receives, in aggregate of \$5,000 or more from a business entity:*

10 (1) the business entity's directors and principal officers, including its President, Vice-
11 President, Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Executive
12 Director, Deputy Director, and Members of Board of Directors; and

13 (2) whether the business entity has received funds through a contract or grant from any
14 City agency within the last 24 months for a project within the jurisdiction of the City and County of San
15 Francisco, and if so, the name of the agency that provided the funding, and the value of the contract or
16 grant.

17 (b) Filing Requirements. *Committees shall provide this information for contributions received*
18 *from business entities at the same time that they are required to file campaign statements with the*
19 *Ethics Commission. The Ethics Commission may, through regulation, specify the form and manner in*
20 *which committees shall submit this information.*

21
22 **SEC. 1.125. ADDITIONAL DISCLOSURE REQUIREMENTS FOR BUNDLED**
23 **CONTRIBUTIONS.**

24 (a) Definition. *For purposes of this Section 1.125, the following words and phrases shall*
25 *mean:*

1 “Bundle” shall mean delivering or transmitting contributions, other than one’s own or those
2 made by one’s immediate family members.

3 (b) **Additional Disclosure Requirements.** Any committee controlled by a City elective officer
4 that receives contributions totaling \$5,000 or more that have been bundled by a single person shall
5 disclose the following information:

6 (1) the name, occupation, and mailing address of the person who bundled the
7 contributions;

8 (2) a list of the contributions bundled by that person (including the name of the
9 contributor and the date the contribution was made);

10 (3) if the person who bundled the contributions is a City employee, the employee’s
11 department and job title;

12 (4) if the person who bundled the contributions is a member of a City board or
13 commission, the name of the board or commission that person serves on, and any City officer who
14 appointed or nominated that person to the board or commission; and

15 (5) whether during the 12 months prior to the contribution the contributor contacted the
16 City elective officer, as contact is defined in Section 2.106, and if so, the legislative or administrative
17 action that the contributor sought to influence.

18 (c) **Exceptions for candidates and campaign staff.** Committees shall not be required to
19 disclose contributions that have been bundled by:

20 (1) candidates for City elective office who collect contributions for their candidate
21 committees; and

22 (2) fundraising staff who are paid by a candidate committee to collect contributions.

23 (d) **Filing Requirements.** The Ethics Commission may, through regulation, specify the form
24 and manner in which committees shall submit this information.

1 (e) Website Posting. The Ethics Commission shall make all information that is submitted in
2 accordance with subsection (b) publicly available through its website.

3
4 **SEC. 1.126. CONTRIBUTION LIMITS – CONTRACTORS DOING BUSINESS WITH**
5 **THE CITY.**

6 (a) **Definitions.** For purposes of this Section 1.126, the following words and phrases
7 shall mean:

8 "Behested payment" is a payment made for a legislative, governmental, or charitable purpose
9 made at the behest of a City elective officer or candidate for City elective office.

10 "Board on which an individual serves" means the board to which the officer was elected and
11 any other board on which the elected officer serves.

12 "Contract" means any agreement or contract, including any amendment or modification to an
13 agreement or contract, with the City and County of San Francisco, a state agency on whose board an
14 appointee of a City elective officer serves, the San Francisco Unified School District, or the San
15 Francisco Community College District for:

16 (1) the rendition of personal services,

17 (2) the furnishing of any material, supplies or equipment,

18 (3) the sale or lease of any land or building, or

19 (4) a grant, loan, loan guarantee or bond underwriting contract,

20 (5) community benefit agreement.

21 "Person who contracts with" includes any party or prospective party to a contract, as well any
22 member of that party's board of directors, its chairperson, chief executive officer, chief financial
23 officer, chief operating officer, any person with an ownership interest of more than 10 percent in the
24 party, any subcontractor listed in a bid or contract.

1 ~~(1) "Person who contracts with" includes any party or prospective party to a contract,~~
2 ~~as well any member of that party's board of directors, its chairperson, chief executive officer, chief~~
3 ~~financial officer, chief operating officer, any person with an ownership interest of more than 20 percent~~
4 ~~in the party, any subcontractor listed in a bid or contract, and any committee, as defined by this~~
5 ~~Chapter that is sponsored or controlled by the party, provided that the provisions of Section 1.114 of~~
6 ~~this Chapter governing aggregation of affiliated entity contributions shall apply only to the party or~~
7 ~~prospective party to the contract.~~

8 ~~(2) "Contract" means any agreement or contract, including any amendment or~~
9 ~~modification to an agreement or contract, with the City and County of San Francisco, a state agency on~~
10 ~~whose board an appointee of a City elective officer serves, the San Francisco Unified School District,~~
11 ~~or the San Francisco Community College District for:~~

12 ~~(A) the rendition of personal services,~~

13 ~~(B) the furnishing of any material, supplies or equipment,~~

14 ~~(C) the sale or lease of any land or building, or~~

15 ~~(D) a grant, loan or loan guarantee.~~

16 ~~(3) "Board on which an individual serves" means the board to which the officer was~~
17 ~~elected and any other board on which the elected officer serves.~~

18 **(b) Prohibition on Contribution.** No person who contracts with the City and County
19 of San Francisco, a state agency on whose board an appointee of a City elective officer
20 serves, the San Francisco Unified School District or the San Francisco Community College
21 District,

22 (1) Shall make any behested payment or contribution to:

23 (A) An individual holding a City elective office whenever the agreement
24 or contract has a total anticipated or actual value of \$50,000.00 or more, or a combination or

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1 series of such agreements or contracts approved by that same individual or board have a
2 value of \$50,000-~~00~~ or more in a fiscal year of the City and County

3 (2) At any time from the commencement of negotiations for such contract until:

4 (A) The termination of negotiations for such contract; or

5 (B) Twelve (12) months have elapsed from the date the contract is
6 approved.

7 (c) **Prohibition on Receipt of Contribution.** No individual holding City elective office
8 or committee controlled by such an individual shall solicit or accept any contribution prohibited
9 by subsection (b) at any time from the formal submission of the contract to the individual until
10 the termination of negotiations for the contract or six months have elapsed from the date the
11 contract is approved.

12 (d) **Forfeiture of ~~Dontribution~~ Contribution.** In addition to any other penalty, each
13 committee that receives a contribution prohibited by subsection (c) shall pay promptly the
14 amount received or deposited to the City and County of San Francisco and deliver the
15 payment to the Ethics Commission for deposit in the General Fund of the City and County;
16 provided that the Commission may provide for the waiver or reduction of the forfeiture.

17 (e) **Notification.**

18 (1) **Prospective Parties to Contracts.** Any prospective party to a contract with
19 the City and County of San Francisco, a state agency on whose board an appointee of a City
20 elective officer serves, the San Francisco Unified School District or the San Francisco
21 Community College District shall inform each person described in Subsection (a)(1) of the
22 prohibition in Subsection (b) by the commencement of negotiations for such contract.

23 (2) **Individuals Who Hold City Elective Office.** Every individual who holds a
24 City elective office or appointive office shall, within five business days of the approval of a
25 contract by the officer, a board on which the officer sits or a board of a state agency on which

1 an appointee of the officer sits, notify the Ethics Commission, on a form adopted by the
2 Commission, of each contract approved by the individual, the board on which the individual
3 serves or the board of a state agency on which an appointee of the officer sits. An individual
4 who holds a City elective office need not file the form required by this subsection if the Clerk
5 or Secretary of a Board on which the individual serves or a Board of a State agency on which
6 an appointee of the officer serves has filed the form on behalf of the board.

7 (3) **Individuals Contracting With The City.** Every individual who has submitted
8 an application to enter into a contract with the City must notify the Ethics Commission, on a
9 form adopted by the Commission, of the submission of the application, the value of the
10 desired contract, the parties to the contract, and any subcontractor involved. The individual
11 must also attest that he is aware that contractors are prohibited from making contributions to
12 candidates for elective office in the City.

13
14 **SEC. 1.127. CONTRIBUTION LIMITS – PERSONS WITH LAND USE MATTERS**
15 **BEFORE A DECISION-MAKING BODY.**

16 (a) **Definitions.** *For purposes of this Section 1.127, the following phrases shall mean:*

17 “Affiliated entities” shall mean business entities directed and controlled by a majority of the
18 same persons, or majority-owned by the same person.

19 “Behested payment” is a payment made for a legislative, governmental, or charitable purpose
20 made at the behest of (1) a Member of the Board of Supervisors, (2) a candidate for member of the
21 Board of Supervisors, (3) the Mayor, (4) a candidate for Mayor, (5) City Attorney, or (6) a candidate
22 for City Attorney.

23 “Prohibited contribution” is a contribution to (1) a Member of the Board of Supervisors, (2) a
24 candidate for member of the Board of Supervisors, (3) the Mayor, (4) a candidate for Mayor, (5) the
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1 City Attorney, (6) a candidate for City Attorney, or (7) a controlled committee of a member of the
2 Board of Supervisors, the Mayor, the City Attorney, or a candidate for any of these offices.

3 **(b) Prohibition on Contributions.**

4 (1) No person, or the person's affiliated entities, with a financial interest in a land use
5 matter before the Board of Appeals, Board of Supervisors, Building Inspection Commission,
6 Commission on Community Investment and Infrastructure, Office of Community Investment and
7 Infrastructure Oversight Board, Treasure Island Development Authority, Historic Preservation
8 Commission, Planning Commission, or Port Commission shall make any behested payment or
9 prohibited contribution at any time from the filing or submission of the land use matter until twelve (12)
10 months have elapsed from the date that the board or commission renders a final decision or ruling. If
11 the person is a business entity, such restriction shall also include any member of such person's board of
12 directors, its chairperson, chief executive officer, chief financial officer, and chief operating officer.

13 (2) For purposes of this subsection (b), the date of "filing or submission" of a land use
14 matter in the form of an ordinance or resolution is the date on which the ordinance or resolution is
15 introduced at the Board of Supervisors. The date of the "final decision or ruling" regarding such an
16 ordinance or resolution is the date the Mayor signs the ordinance or resolution, the date the Mayor
17 returns it unsigned or does not sign it within 10 days of receiving it, or the date the Board of
18 Supervisors overrides the Mayor's veto.

19 **(c) Prohibition on Receipt of Contributions.** It shall be unlawful for a Member of the Board of
20 Supervisors, candidate for member of the Board of Supervisors, the Mayor, candidate for Mayor, the
21 City Attorney, candidate for City Attorney, or controlled committees of such officers and candidates, to
22 solicit or accept any behested payment or prohibited contribution.

23 **(d) Exceptions.** The prohibitions set forth in subsections (b) and (c) shall not apply if:

24 (1) the land use matter only concerns the person's financial interest involves his or her
25 primary residence; or

1 (2) the person with a financial interest in a land use matter is an organization with tax
2 exempt status under 26 United States Code Section 501(c)(3), and the land use matter solely concerns
3 the provision of health care services, social welfare services, permanently affordable housing, or other
4 low-income services funded, in whole or in substantial part, by the City to serve low-income San
5 Francisco residents.

6 (e) **Forfeiture of Prohibited Contributions.** In addition to any other penalty, each member of
7 the Board of Supervisors, candidate for member of the Board of Supervisors, the Mayor, candidate for
8 Mayor, City Attorney, candidate for City Attorney, or controlled committees of such officers and
9 candidates, who solicits or accepts any contribution prohibited by subsection (b) shall pay promptly the
10 amount received or deposited to the City and County of San Francisco by delivering the payment to the
11 Ethics Commission for deposit in the General Fund of the City and County; provided, that the
12 Commission may provide for the waiver or reduction of the forfeiture.

13 (e) **Notification.** Any person with a financial interest in a land use matter before the Board of
14 Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community
15 Investment and Infrastructure, Office of Community Investment and Infrastructure Oversight Board,
16 Treasure Island Development Authority, Historic Preservation Commission, Planning Commission, or
17 Port Commission, within 30 days of filing or submitting or receiving written notice of the filing or
18 submission of a land use matter, whichever is earlier, shall file with the Ethics Commission a report
19 including the following information:

20 (1) the board or commission considering the land use matter;

21 (2) the location of the property that is the subject of the land use matter;

22 (3) if applicable, the file number for the land use matter;

23 (6) if applicable, the names of the individuals who serve as the person's chairperson,
24 chief executive officer, chief financial officer, and chief operating officer or as a member of the
25 person's board of directors.

1
2 **SEC. 1.135. SUPPLEMENTAL PRE-ELECTION STATEMENTS.**

3 **(a) Supplemental Preelection Statements.** In addition to the campaign disclosure
4 requirements imposed by the California Political Reform Act and other provisions of this
5 Chapter, a San Francisco general purpose committee that makes contributions or
6 expenditures totaling \$500 or more during the period covered by the preelection statement,
7 other than expenditures for the establishment and administration of that committee, shall file a
8 preelection statement before any election held in the City and County of San Francisco at
9 which a candidate for City elective office or City measure is on the ballot.

10 **(b) Time for Filing Supplemental Preelection Statements.** In even-numbered
11 years, preelection statements required by this Section shall be filed pursuant to the
12 preelection statement filing schedule established by the Fair Political Practices Commission
13 for county general purpose recipient committees. In odd-numbered years, the filing schedule
14 is as follows:

15 (1) For the period ending 45 days before the election, the statement shall be
16 filed no later than 40 days before the election;

17 (2) For the period ending 17 days before the election, the statement shall be
18 filed no later than 12 days before the election.

19 *(c) 24-Hour Reporting. In addition to other disclosures required by this Chapter, candidate*
20 *committees required to file preelection statements under this Section 1.135, shall also, after filing the*
21 *second pre-election statement required by subsection (b), report any contribution(s) that total \$250 or*
22 *more within 24 hours of the time of receipt.*

23 ~~(e)~~ (d) The Ethics Commission may require that these statements be filed electronically.

24
25 **SEC. 1.168. ENFORCEMENT; ADVICE.**

1 (a) ENFORCEMENT – GENERAL PROVISIONS. Any person who believes that a
2 violation of this Chapter has occurred may file a complaint with the Ethics Commission, City
3 Attorney or District Attorney. The Ethics Commission shall investigate such complaints
4 pursuant to Charter Section C3.699-13 and its implementing regulations. The City Attorney
5 and District Attorney shall investigate, and shall have such investigative powers as are
6 necessary for the performance of their duties under this Chapter.

7 (b) ENFORCEMENT – CIVIL ACTIONS. The City Attorney, or any voter, may bring a
8 civil action to enjoin violations of or compel compliance with the provisions of this Chapter.

9 (1) No voter may commence an action under this Subsection without first
10 providing written notice to the City Attorney of intent to commence an action. The notice shall
11 include a statement of the grounds for believing a cause of action exists. The voter shall
12 deliver the notice to the City Attorney at least 60 days in advance of filing an action. No voter
13 may commence an action under this Subsection if the Ethics Commission has issued a finding
14 of probable cause that the defendant violated the provisions of this Chapter, or if the City
15 Attorney or District Attorney has commenced a civil or criminal action against the defendant,
16 or if another voter has filed a civil action against the defendant under this Subsection.

17 (2) If, as a direct result of the voter's notice under this subsection, the City Attorney or
18 District Attorney obtains a civil or criminal judgment against the defendant, or if the Ethics
19 Commission determines that the defendant violated the provisions of this Chapter, then the voter shall
20 be entitled to recover twenty-five percent of any administrative or civil penalties assessed against the
21 defendant. The voter is entitled to recover her share of penalties from the government within ninety
22 (90) days of the resolution of the civil, criminal, or administrative proceeding.

23 (3) A Court may award reasonable attorney's fees and costs to any voter who
24 obtains injunctive relief under this Subsection. If the Court finds that an action brought by a
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1 voter under this Subsection is frivolous, the Court may award the defendant reasonable
2 attorney's fees and costs.

3 (c) STATUTE OF LIMITATIONS.

4 (1) **Criminal.** Prosecution for violation of this Chapter must be commenced
5 within four years after the date on which the violation occurred or the date that the facts
6 constituting the cause of action were discovered by the District Attorney.

7 (2) **Civil.** No civil action ~~alleging a violation in connection with a campaign~~
8 ~~statement required under this Chapter shall be filed more than four years after an audit could begin, or~~
9 ~~more than one year after the Executive Director submits to the Commission any report of any audit~~
10 ~~conducted of the alleged violator, whichever period is less. Any other civil action~~ alleging a violation
11 of any provision of this Chapter shall be filed no more than four years after the date on which
12 the violation occurred or the date that the facts constituting the cause of action were discovered by
13 the City Attorney.

14 (3) **Administrative.** No administrative action alleging a violation of this Chapter
15 and brought under Charter Section C3.699-13 shall be commenced more than four years after
16 the date on which the violation occurred or the date that the facts constituting the cause of action
17 were discovered by the Ethics Commission. The date on which the Commission forwards a
18 complaint or information in its possession regarding an alleged violation to the District
19 Attorney and City Attorney as required by Charter Section C3.699-13 shall constitute the
20 commencement of the administrative action.

21 * * * *

22 (j) DEBARMENT.

23 The Ethics Commission may, after a hearing on the merits or pursuant to a stipulation among
24 all parties, recommend that a Charging Official authorized to issue Orders of Debarment under
25

1 Administrative Code Chapter 28 initiate debarment proceedings against any individual person or
2 business entity in conformance with the procedures set forth in that Chapter.

3
4 **Sec. 1.170. Penalties.**

5 (j) WILLFUL VIOLATIONS. Any person found to have willfully violated Section 1.126 to
6 1.127 may be required to forfeit treble the amount of the contribution or the portion of that contribution
7 illegally contributed.

8 (1) In addition to the penalties imposed under sub. (j) of this section, the license of any
9 lobbyist who is convicted of a violation may be revoked for a period not to exceed 4 years.

10
11 Section 2. The Campaign and Governmental Conduct Code, Article III, Chapter 2, is
12 hereby amended by revising Sections 3.203 and adding Sections 3.207, 3.209, and 3.231 to
13 read as follows:

14 **SEC. 3.203. DEFINITIONS.**

15 Whenever in this Chapter the following words or phrases are used, they shall mean:

16 “Anything of value” shall mean any money or property, favor, service, payment, advance,
17 forbearance, loan, or promise of future employment, but does not include compensation and expenses
18 paid by the City, gifts of travel subject to California Government Code Section 89506(a), contributions,
19 or [any other gift exceptions?].

20 “Associated,” when used in reference to an organization, shall mean any organization in which
21 an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or
22 controls, directly or indirectly, and severally or in the aggregate, at least 10 percent of the equity or of
23 which an individual or a member of his or her immediate family is an authorized representative or
24 agent.

1 "City elective officer" shall mean a person who holds the office of Mayor, Member of the Board
2 of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor and Public Defender.

3 "Contribution" shall be defined as set forth in the California Political Reform Act, California
4 Government Code section 81000, et seq.

5 "Immediate family" shall mean:

6 (a) an individual's spouse; and

7 (b) an individual's relative by marriage, lineal descent or adoption who receives,
8 directly or indirectly, more than one-half of his or her support from the individual or from whom the
9 individual receives, directly or indirectly, more than one-half of his or her support.

10 ~~(a)~~ "Officer" shall mean any person holding City elective office; any member of a board
11 or commission required by Article III, Chapter 1 of this Code to file statements of economic
12 interests; any person appointed as the chief executive officer under any such board or
13 commission; the head of each City department; the Controller; and the City Administrator.

14 ~~(b) "City elective office" shall mean the offices of Mayor, Member of the Board of Supervisors,~~
15 ~~City Attorney, District Attorney, Treasurer, Sheriff, Assessor and Public Defender.~~

16 "Prohibited fundraising" shall mean requesting that another person make a contribution;
17 inviting a person to a fundraiser; supplying names to be used for invitations to a fundraiser; permitting
18 one's name or signature to appear on a solicitation for contributions or an invitation to a fundraising
19 event; providing the use of one's home or business for a fundraiser; paying for at least 20 percent of
20 the costs of a fundraiser; hiring another person to conduct a fundraiser; delivering or otherwise
21 forwarding a contribution, other than one's own, either by mail or in person to a City elective officer, a
22 candidate for City elective officer, or a candidate-controlled committee; or acting as an agent or
23 intermediary in connection with the making of a contribution.

24 "Solicit" shall mean personally requesting a contribution from any candidate or committee,
25 either orally or in writing.

1 “Subordinate employee” shall mean an employee of any person whose official City
2 responsibilities include directing or evaluating the performance of the employee or any of the
3 employee’s supervisors

4
5 **SEC. 3.207. ADDITIONAL CONFLICTS OF INTEREST FOR CITY ELECTIVE**
6 **OFFICERS AND MEMBERS OF BOARDS AND COMMISSIONS.**

7 (a) **Prohibitions.** In addition to the restrictions set forth in Section 3.206 and other provisions
8 of this Chapter 2, the following shall also constitute conflicts of interest for City elective officers and
9 members of boards and commissions:

10 (1) No City elective officer or member of a board or commission may use his or her
11 public position or office to seek or obtain financial gain or anything of value for the private benefit of
12 himself or herself or his or her immediate family, or for an organization with which he or she is
13 associated.

14 (2) No City elective officer or member of a board or commission may use or attempt to
15 use the public position held by the officer to influence or gain monetary or non-monetary benefits,
16 advantages or privileges personally or for others.

17 (3) No City elective officer or candidate for City elective office may, directly or by
18 means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or
19 her vote or influence, or promise to take or refrain from taking official action with respect to any
20 proposed or pending matter in consideration of, or upon condition that, any other person make or
21 refrain from making a contribution.

22 (4) No person may offer or give to an officer, directly or indirectly, and no City elective
23 officer or member of a board or commission may solicit or accept from any person, directly or
24 indirectly, anything of value if it could reasonably be expected to influence the officer’s vote, official
25 actions or judgment, or could reasonably be considered as a reward for any official action or inaction

1 on the part of the Officer. This subsection does not prohibit a City elective officer or member of a
2 board or commission from engaging in outside employment.

3
4 (b) **Exception: public generally.** The prohibitions set forth in subsection (a)(1)-(2) shall not
5 apply if the resulting benefit, advantage, or privilege also affects a significant segment of the public
6 and the effect is not unique.

7 (1) A significant segment of the public is at least 25 percent of:

8 (i) all businesses or non-profit entities within the official's jurisdiction;

9 (ii) all real property, commercial real property, or residential real property
10 within the official's jurisdiction; or

11 (iii) all individuals within the official's jurisdiction.

12 (2) A unique effect on a public official's financial interest includes a disproportionate
13 effect on:

14 (i) the development potential or use of the official's real property or on the
15 income producing potential of the official's real property or business entity;

16 (ii) an official's business entity or real property resulting from the proximity of a
17 project that is the subject of a decision;

18 (iii) an official's interests in business entities or real properties resulting from
19 the cumulative effect of the official's multiple interests in similar entities or properties that is
20 substantially greater than the effect on a single interest;

21 (iv) an official's interest in a business entity or real property resulting from the
22 official's substantially greater business volume or larger real property size when a decision affects all
23 interests by the same or similar rate or percentage;

24 (v) a person's income, investments, assets or liabilities, or real property if the
25 person is a source of income or gifts to the official; or

1 (vi) an official's personal finances or those of his or her immediate family.

2
3 **SEC. 3.209. RECUSALS.**

4 (a) **Recusal Procedures.** Any member of a City board or commission, including a Member of
5 the Board of Supervisors, who has a conflict of interest under Sections 3.206 or 3.207, who must recuse
6 herself from a proceeding under California Government Code Section 84308, shall in public meetings,
7 upon identifying a conflict of interest immediately prior to the consideration of the matter, do all of the
8 following:

9 (1) publicly identify the interest that gives rise to the conflict of interest or potential
10 conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact
11 street address of a residence is not required;

12 (2) recuse himself or herself from discussing and voting on the matter; and

13 (3) leave the room until after the discussion, vote, and any other disposition of the
14 matter is concluded, unless the matter has been placed on the consent calendar.

15 (b) **Repeated Recusals.** If a member of a City board or commission, including a Member of the
16 Board of Supervisors, recuses himself or herself, as required by the California Political Reform Act,
17 California Government Code Section 1090, California Government Code Section 84308, or Section
18 3.207, in any 12-month period from acting on:

19 (1) three or more separate matters; or

20 (2) 1% or more of the matters pending before the officer's board or commission,
21 the Commission shall determine whether the officer has a significant and continuing conflict of interest.
22 The Commission shall publish its written determination, including any discussion of the officer's
23 factual circumstances and applicable law, on the department's website. Thereafter, if the Commission
24 determines that the officer has a significant and continuing conflict of interest, the officer shall provide
25

1 the Commission with written notification of subsequent recusals resulting from the same conflicts of
2 interest identified in the written determination.

3 With respect to such officers, the Commission may recommend to their appointing authorities
4 that the official should be removed from office under Charter Section 15.105 or other means.

5
6 **SEC. 3.231. PROHIBITIONS ON POLITICAL ACTIVITY FOR CITY ELECTIVE**
7 **OFFICERS AND MEMBERS OF BOARDS AND COMMISSIONS.**

8 (a) Solicitation of Campaign Volunteers. No City elective officer or member of a board or
9 commission shall solicit uncompensated volunteer services from any subordinate employee for a
10 political campaign.

11 (b) Fundraising for Appointing Authorities. No City elective officer or member of a board or
12 commission may engage in prohibited fundraising on behalf of (1) the officer's appointing authority, if
13 the appointing authority is a City elective officer; (2) any candidate for the office held by the officer's
14 appointing authority; or (3) any committee controlled by the officer's appointing authority.

15
16 Section 3. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

1 additions, and Board amendment deletions in accordance with the “Note” that appears under
2 the official title of the ordinance.

3
4 Section 5. Appropriation. There is hereby appropriated \$230,000 from the General
5 Reserve to fund administrative and enforcement costs required to implement this ordinance,
6 which shall be appropriated and made available on the date the ordinance becomes effective.
7 Any portion of this appropriation that remains unspent at the end of Fiscal Year 2017-18 shall
8 be carried forward and spent in subsequent years from the same purpose. Additionally, it
9 shall be City policy in all fiscal years following depletion of this original appropriation that the
10 Board of Supervisors shall annually appropriate \$10,000 for this purpose, to be adjusted
11 annually to reflect changes in the California Consumer Price Index and rounded off to the
12 nearest \$100.

13
14 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
15 of this ordinance, or any application thereof to any person or circumstance, is held to be
16 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
17 shall not affect the validity of the remaining portions or applications of the ordinance. The
18 Board of Supervisors hereby declares that it would have passed this ordinance and each and
19 every section, subsection, sentence, clause, phrase, and word not declared invalid or
20 unconstitutional without regard to whether any other portion of this ordinance or application
21 thereof would be subsequently declared invalid or unconstitutional.