

1 [Lobbyist ordinance amendments.]

2

3 **Ordinance amending Chapter I of Article II of the Campaign and Governmental Conduct**
4 **Code by amending sections 2.100, 2.105, 2.110, 2.115, 2.117, 2.130, 2.135, 2.140, 2.145,**
5 **2.150, adding section 2.116, and deleting sections 2.125 and 2.160, to simplify**
6 **registration requirements, adopt a more equitable fee structure, ease electronic filing of**
7 **lobbyist disclosures; and establish an effective date for these amendments.**

8

Note: Additions are single-underline italics Times New Roman;
9 deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
10 Board amendment deletions are ~~strikethrough normal~~.

9

10

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

12 Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby
13 amended by amending Sections 2.100-2.160, to read as follows:

14 SEC. 2.100. FINDINGS.

15 (a) The Board of Supervisors finds that public disclosure of the identity and extent of
16 efforts of lobbyists to influence decision-making regarding local legislative and administrative
17 matters is essential to protect public confidence in the responsiveness and representative
18 nature of government officials and institutions. It is the purpose and intent of the Board of
19 Supervisors to impose ~~on lobbyists~~ reasonable registration and disclosure requirements to
20 reveal information about lobbyists' efforts to influence decision-making regarding local
21 legislative and administrative matters.

22 (b) Corruption and the appearance of corruption in the form of campaign consultants
23 exploiting their influence with City officials on behalf of private interests may erode public
24 confidence in the fairness and impartiality of City governmental decisions. The City and
25 County of San Francisco has a ~~paramount~~ compelling interest in preventing corruption or the

1 appearance of corruption which could result in such erosion of public confidence. Prohibitions
2 on campaign consultants lobbying current and former clients will protect public confidence in
3 the electoral and governmental processes. It is the purpose and intent of the people of the
4 City and County of San Francisco in enacting this Chapter to prohibit campaign consultants
5 from exploiting or appearing to exploit their influence with City officials on behalf of private
6 interests.

7 SEC. 2.105. DEFINITIONS.

8 Whenever used in this Chapter, the following words and phrases shall have the
9 definitions provided in this Section:

10 (a) "Activity expenses" means any expense incurred or payment made by a lobbyist
11 or a lobbyist's client at the behest of the lobbyist, or arranged by a lobbyist or a lobbyist's
12 client at the behest of the lobbyist, which benefits in whole or in part any: officer of the City
13 and County; candidate for City and County office; aide to a member of the Board of
14 Supervisors; or member of the immediate family or the registered domestic partner of an
15 officer, candidate, or aide to a member of the Board of Supervisors. An expense or payment is
16 not an "activity expense" unless it is incurred or made within three months of a contact with
17 the officer, candidate, or Supervisor's aide who benefits from the expense or payment, or
18 whose immediate family member or registered domestic partner benefits from the expense or
19 payment. "Activity expenses" include ~~gifts,~~ honoraria, consulting fees, salaries, and any other
20 ~~form of economic consideration~~ thing of value totaling more than ~~\$3025~~ in value in a consecutive
21 three-month period, but do not include political contributions.

22 (b) "Candidate" shall have the same meaning as set forth in Section 1.104 of this Code.
23 ~~means a person who has taken affirmative action to seek nomination or election to local office, a local~~

24

25

1 ~~officeholder who has taken affirmative action to seek nomination or election to any elective office, or a~~
2 ~~local officeholder who is the subject of a recall election.~~

3 (c) "Client" means the person for whom ~~whose benefit~~ lobbyist services are performed by a
4 ~~contract~~ lobbyist.

5 (d) "Contact" means communication, orally or ~~in writing~~written, including
6 communication made through an agent, associate or employee, for the purpose of influencing
7 ~~or attempting to influence~~ local legislative or administrative action.

8 (1) The following activities are not "contracts" within the meaning of this
9 Chapter.

10 ~~(A) A public official acting in the public official's official capacity. For~~
11 ~~purposes of this Subsection, "public official" includes an elected or appointed official or~~
12 ~~employee, or officially designated representative of the United States, the State of~~
13 ~~California, or any political subdivision thereof. For purposes of this Subsection, "public~~
14 ~~official" also includes persons appointed to serve on City and County advisory~~
15 ~~committees and City and County task forces;~~

16 ~~(BA)~~ A representative of a news media organization gathering news and
17 information or disseminating the same to the public, even if the organization, in
18 the ordinary course of business, publishes news items, editorials or other
19 commentary, or paid advertisements, that urge action upon local legislative or
20 administrative matters;

21 ~~(CB)~~ A person providing oral or written testimony that becomes part of
22 the record of a public hearing; provided, however, that if the person making the
23 appearance or providing testimony has already qualified as a lobbyist under this
24 Chapter and is appearing or testifying on behalf of a client, the lobbyist's
25

1 testimony shall identify the client on whose behalf the lobbyist is appearing or
2 testifying;

3 (DC) A person *acting on behalf of others in the performance of performing a*
4 *duty or service, which duty or service lawfully that* can be performed *for such other*
5 *only by an attorney or, an architect, or a professional engineer* licensed to practice
6 in the State of California, *and* including any communication by an attorney in
7 connection with litigation involving the City and County or a claim filed pursuant
8 to Administrative Code Section 10.20-1 et seq.;

9 (ED) A person making a speech or producing any ~~Chapter~~, publication or
10 other material that is distributed and made available to the public, through radio,
11 television, cable television, or other medium of mass communication;

12 (FE) A person providing written information in response to an oral or
13 written request made by an officer of the City and County, provided that the
14 written information is a public record available for public review;

15 (GF) A person providing oral or written information pursuant to a
16 subpoena, or otherwise compelled by law or regulation;

17 (HG) A person providing oral or written information in response to a
18 request for proposals, request for qualifications, or other similar request,
19 provided that the information is directed to the department or official specifically
20 designated in the request to receive such information;

21 (HI) A person submitting a written petition for local legislative or
22 administrative action, provided that the petition is a public record available for
23 public review;

1 (J) A person making an oral or written request for a meeting, ~~for the~~
2 *status of an action*, or any other similar administrative request, if the request does
3 not include an attempt to influence local legislative or administrative action;

4 (K) A person appearing before an officer of the City and County
5 pursuant to any procedure established by law or regulation for levying an
6 assessment against real property for the construction or maintenance of an
7 improvement;

8 (L) *An expert employed or retained by a lobbyist registered under this*
9 *Chapter to provide information to an officer of the City and County* A person providing
10 purely technical data, analysis, or expertise in the presence of a registered lobbyist;

11 (M) A person distributing to any officer of the City and County any
12 regularly published newsletter or other periodical which is not primarily directed
13 at influencing local legislative or administrative action;

14 (N) A person disseminating information or material on behalf of an
15 organization or entity to all or a significant segment of ~~the person's~~ the organization's
16 or entity's employees or members;

17 (O) A person communicating in connection with the administration of
18 an existing contract between the person and the City and County of San
19 Francisco. For purposes of this Subsection, communication, "in connection with
20 the administration of an existing contract" includes, but is not limited to,
21 communication regarding: insurance and bonding; contract performance and/or
22 default; requests for in-scope change orders; legislative mandates imposed on
23 contractors by the City and County; payments and invoicing; personnel changes;
24 prevailing wage verification; liquidated damages and other penalties for breach
25

1 of contract; audits; assignments; and subcontracting. Communication "in
2 connection with the administration of an existing contract" does not include
3 communication regarding new contracts, or out-of-scope change orders; ~~and~~

4 (O) A person negotiating the terms of a contract after being selected to enter
5 into a contract with the City and County through a competitive bidding process, or as
6 otherwise permitted under the Administrative Code;

7 (P) A person appearing as a party or a representative of a party in an
8 administrative adjudicatory proceeding before a City agency or department;

9 ~~(P) A person applying for, opposing or otherwise taking any position on a~~
10 ~~grading permit, parcel map, subdivision tract map or a permit relating to the~~
11 ~~construction, alteration, demolition or moving of a building, other than;~~

12 ~~(i) communications with any elected official of the City and County, the~~
13 ~~Zoning Administrator, the City Engineer, the County Surveyor, the Bureau Chief~~
14 ~~of the Department of Public Works' Bureau of Street Use and Mapping, or the~~
15 ~~Director of the Planning Department, Department of Building Inspection or~~
16 ~~Department of Public Works, except for communications by a professional~~
17 ~~engineer licensed to practice in the State of California performing a duty or~~
18 ~~service that lawfully can be performed only by a professional engineer; or~~

19 ~~(ii) communications regarding an appeal taken or opposed by the~~
20 ~~person or the person's client pursuant to any procedure or authority provided by~~
21 ~~law from an administrative determination made with respect to such an~~
22 ~~application or map.~~

23 (Q) A person communicating, on behalf of a labor union representing City
24 employees, regarding the establishment, amendment, or interpretation of a collective
25

1 bargaining agreement or memorandum of understanding with the City, or
2 communicating about a management decision regarding the working conditions of
3 employees represented by a collective bargaining agreement or a memorandum of
4 understanding with the City; and

5 (R) An individual communicating on behalf of herself or himself, and not on
6 behalf of the individual's client, employer or any other person.

7 (2) The following activities are not "contacts" for the purpose of determining whether a
8 person qualifies as a "lobbyist," but are "contacts" for purpose of disclosures required by this
9 Chapter:

10 (A) A person providing oral information to an officer of the City and County in
11 response to an oral or written request made by that officer;

12 (B) A person making an oral or written request for the status of an action; and

13 (C) A person participating in a public interested persons meeting, workshop, or
14 other forum convened by a City agency or department for the purpose of soliciting
15 public input.

16 (e) "Economic consideration" means any payments, fees, reimbursement for
17 expenses, gifts, or anything else of value, provided that "economic consideration" does not include
18 salary, wages or benefits furnished by a federal, state or local government agency.

19 ~~(f) "Ethics Commission" means the San Francisco Ethics Commissioner or its designee.~~

20 ~~(g) "Filer" means a person who qualifies as a lobbyist under Subsection (i) of this Section.~~

21 ~~(h)~~ "Gift" shall be defined as set forth in the Political Reform Act, Government Code
22 Section 81000 et seq., and the regulations adopted thereunder.

23 ~~(i)~~ "Lobbyist" means ~~the following:~~ any individual who:

1 (1) receives or is promised economic consideration of \$3,000 or more within three
2 consecutive calendar months for lobbyist services; and
3 (2) on behalf of the persons providing the economic consideration, makes any contact
4 with an officer of the City and County.

5 ~~(1) Contract Lobbyist.~~

6 ~~(A) "Contract lobbyist" means any person who contracts for economic~~
7 ~~consideration to contact any officer of the City and County of San Francisco on behalf~~
8 ~~of any other person, and who:~~

9 ~~(i) Receives or becomes entitled to receive at least \$3,200 in economic~~
10 ~~consideration within any three consecutive calendar months in exchange for~~
11 ~~lobbyist services; or~~

12 ~~(ii) Has at least 25 separate contacts with officers of the City and~~
13 ~~County within any two consecutive calendar months; or~~

14 ~~(iii) Receives or becomes entitled to receive at least \$3,200 in economic~~
15 ~~consideration within any three consecutive calendar months from any person in~~
16 ~~exchange for services, including but not limited to lobbyist services, and makes~~
17 ~~one or more contacts on behalf of that person with any officer of the City and~~
18 ~~County for the purpose of influencing local legislative or administrative action~~
19 ~~regarding a grading permit, parcel map, subdivision tract map or a permit~~
20 ~~relating to the construction, alteration, demolition or moving of a building.~~

21 ~~(B) For purposes of calculating whether a person has reached the income~~
22 ~~threshold set forth in (1)(A)(i) of this Subsection, all economic consideration the person~~
23 ~~has received or become entitled to receive, during the three consecutive calendar~~
24 ~~months, from all clients in exchange for lobbyist services shall be combined.~~

1 ~~(C) For purposes of calculating whether a person has reached the contacts~~
2 ~~threshold set forth in (1)(A)(ii) of this Subsection, all contacts with officers of the City~~
3 ~~and County that were made by the person during the two preceding calendar months on~~
4 ~~behalf of all clients shall be combined.~~

5 ~~(2) Business and Organization Lobbyist.~~

6 ~~(A) "Business and organization lobbyist" means any business or organization~~
7 ~~any of whose employees or members, as a regular part of their employment or duties,~~
8 ~~contact officers of the City and County of San Francisco on behalf of that business or~~
9 ~~organization, provided:~~

10 ~~(i) The business or organization compensates its employees or members,~~
11 ~~at any amount, for their lobbyist services on its behalf; and~~

12 ~~(ii) The compensated employees or members have a total of at least 25~~
13 ~~separate contacts with officers of the City and County within any two consecutive~~
14 ~~calendar months. Contacts made by an employee or member who merely~~
15 ~~indicates his or her affiliation or identification with the business or organization,~~
16 ~~but who does not represent the official position of the business or organization~~
17 ~~shall not be included in this calculation.~~

18 ~~(3) Expenditure Lobbyist.~~

19 ~~(A) "Expenditure lobbyist" means any person who makes payments to influence~~
20 ~~local legislative or administrative action totaling \$3,200 or more in value within any~~
21 ~~three consecutive calendar months.~~

22 ~~(B) The following shall not be included in calculating payments under (3)(A) of~~
23 ~~this Subsection: economic consideration paid to any person in exchange for lobbyist~~
24 ~~services; and dues payments, donations, and other economic consideration paid to any~~
25

1 *business and organization lobbyist or expenditure lobbyist, regardless of whether the*
2 *economic consideration is used in whole or in part to influence local legislative or*
3 *administrative action.*

4 ~~(4) Exemptions. No person shall qualify as a "lobbyist" within the meaning of this~~
5 ~~Chapter by reason of activities described in Subsection (d)(1) of Section 2.105.~~

6 (j) "Lobbyist services" means services rendered for the purpose of influencing ~~or~~
7 ~~attempting to influence~~ local legislative or administrative action, including but not limited to
8 contacts with officers of the City and County of San Francisco. ~~"Lobbyist services" shall not~~
9 ~~include activities described in Subsection (d)(1) of Section 2.105, other than Subsection (d)(1)(C) of~~
10 ~~Section 2.105.~~

11 (k) "Local legislative or administrative action" includes, but is not limited to, the
12 drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting
13 or denial by any officer of the City and County of any resolution, motion, appeal, application,
14 petition, nomination, ordinance, amendment, approval, referral, permit, license, ~~or~~ entitlement
15 to use or contract. ~~"Local legislative or administrative action" does not include a decision by any~~
16 ~~officer of the City and County which adjudicates the rights and/or duties of a single person or group of~~
17 ~~persons, other than a proceeding described in Subsection (d)(1)(K) of Section 2.105.~~

18 (l) "Measure" shall have the same meaning as set forth in Section 1.104 of this Code. ~~means~~
19 ~~a local referendum or local ballot measure, whether or not it qualifies for the ballot.~~

20 (m) "Officer of the City and County" means any officer identified in San Francisco
21 Administrative Code Section 1.50, as well as any official body composed of such officers. In
22 addition, for purposes of this Chapter, "officer of the City and County" includes (1) members of
23 the Board of Education, Community College Board, Housing Authority, Redevelopment
24 Agency, and Transportation Authority, as well as any official body composed of such officers,
25

1 (2) the Zoning Administrator, (3) the City Engineer, (4) the County Surveyor, and (5) the
2 Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping.

3 ~~(n) "Payments to influence local legislative or administrative action" include actual or~~
4 ~~promised payments of anything of value, whether or not legally enforceable, made in consideration for~~
5 ~~influencing or attempting to influence local legislative or administrative action. Such payments include~~
6 ~~payments for contacts with officers of the City and County as well as other lobbyist services. Such~~
7 ~~payments shall not include the following:~~

8 ~~(1) Payments for services that are solely secretarial, clerical, or manual, or are limited~~
9 ~~solely to the compilation of data and statistics;~~

10 ~~(2) Payments for any regular, ongoing business overhead that would continue to be~~
11 ~~incurred in substantially similar amounts regardless of the filer's activities to influence local~~
12 ~~legislative or administrative action, other than payments to lobbyists, employees or members for~~
13 ~~lobbyist services;~~

14 ~~(3) Payments for soliciting or urging the filer or the filer's employees or members to~~
15 ~~contact officers of the City and County;~~

16 ~~(4) Payments for the settlement or resolution of litigation or claims filed pursuant to~~
17 ~~Administrative Code Section 10.20-1 et seq.; or~~

18 ~~(5) Payments for activities described in Subsection (d)(1) of Section 2.105, other than~~
19 ~~Subsections (d)(1)(C), (L) and (P) of Section 2.105.~~

20 ~~(e)~~ "Person" means an individual, partnership, corporation, association, firm, labor
21 union or other organization or entity, however organized.

22 ~~(p)~~ "Public hearing" means any open, noticed proceeding.

1 SEC. 2.110. ~~REGISTRATION OF LOBBYISTS REQUIRED;~~ REGISTRATION AND
2 DISCLOSURES; REREGISTRATION, QUARTERLY REPORTS; FEES; CLIENT AUTHORIZATION;
3 TERMINATION OF REGISTRATION.

4 (a) REGISTRATION OF LOBBYISTS REQUIRED. ~~No person who qualifies as a contract~~
5 ~~or business or organization~~ Lobbyists shall register with the Ethics Commission and comply with the
6 disclosure requirements imposed by this Chapter. Such registration shall occur no later than five
7 business days of qualifying as a lobbyist, but the lobbyist shall register prior to making any additional
8 contacts with an officer of the City and County of San Francisco. ~~contact any officer of the City and~~
9 ~~County, and no person who qualifies as an expenditure lobbyist shall make payments to influence local~~
10 ~~legislative or administrative action, without first registering with the Ethics Commission and complying~~
11 ~~with the disclosure requirements imposed by this Chapter.~~

12 (b) REGISTRATION ~~REPORTS~~. At the time of initial registration each ~~filer~~ lobbyist shall
13 report to the Ethics Commission the following information:

14 (1) The name, business address, e-mail address, and business telephone
15 number of the ~~filer~~ lobbyist;

16 (2) The name, business address, and business telephone number of each client for
17 whom the lobbyist is performing lobbyist services;

18 (3) The name, business address, and business telephone number of the lobbyist's
19 employer, firm or business affiliation; and

20 (4) Any other information required by the Ethics Commission consistent with the
21 purposes and provisions of this Chapter. If the filer is a contract lobbyist, the filer shall also
22 report the following:

23 (A) ~~If the filer is an entity, the name of each individual who is an owner, partner~~
24 ~~or officer of the filer as follows:~~

- 1 ~~(i) If the filer is a sole proprietorship, list the name of the sole~~
2 ~~proprietor;~~
- 3 ~~(ii) If the filer is a corporation, however organized, list the name of each~~
4 ~~officer;~~
- 5 ~~(iii) If the filer is a partnership, however organized, and if the~~
6 ~~partnership has 10 or more partners, list the name of the partnership; or~~
- 7 ~~(iv) If the filer is a partnership, however organized, and if the~~
8 ~~partnership has fewer than 10 partners, list the name of each partner.~~
- 9 ~~(B) If the filer is an individual, the name of the filer's employer and a description~~
10 ~~of the employer's business activity;~~
- 11 ~~(C) The name of each person employed or retained by the filer, at the time of~~
12 ~~filing or at any time during the two months immediately preceding filing, to contact~~
13 ~~officers of the City and County;~~
- 14 ~~(D) The name, address, and telephone number of each current client and each~~
15 ~~client on whose behalf the filer provided lobbyist services during the preceding two~~
16 ~~months;~~
- 17 ~~(E) The total economic consideration promised by or received from clients~~
18 ~~during the preceding two months in exchange for lobbyist services;~~
- 19 ~~(F) The total number of contacts with officers of the City and County made~~
20 ~~during the preceding two months; and~~
- 21 ~~(G) For each current client, and each client on whose behalf the filer provided~~
22 ~~lobbyist services during the preceding two months, describe the local legislative or~~
23 ~~administrative action the filer was retained to influence, and the outcome sought by the~~
24 ~~filer.~~

25

1 ~~(3) If the filer is a business or organization lobbyist, the filer shall also report the~~
2 ~~following:~~

3 ~~(A) A description of the nature and purpose of the business or organization,~~
4 ~~including a statement indicating whether the filer is an industry, trade or professional~~
5 ~~association;~~

6 ~~(B) The name of each employee or member of the business or organization~~
7 ~~authorized to contact officers of the City and County on behalf of the business or~~
8 ~~organization;~~

9 ~~(C) The total amount of payments to influence local legislative or~~
10 ~~administrative action made by the filer during the preceding two months;~~

11 ~~(D) The total number of contacts with officers of the City and County, made on~~
12 ~~behalf of the filer by the filer's employees or members during the preceding two months;~~
13 ~~and~~

14 ~~(E) A description of each local legislative or administrative action the filer~~
15 ~~seeks to influence or sought to influence during the preceding two months; and the~~
16 ~~outcome sought by the filer.~~

17 ~~(4) If the filer is an expenditure lobbyist, the filer shall also report the following:~~

18 ~~(A) If the filer is an entity, a description of the nature and purpose of the entity,~~
19 ~~and the name of each individual who is an owner, partner or officer of the filer as~~
20 ~~follows:~~

21 ~~(i) If the filer is a sole proprietorship, list the name of the sole~~
22 ~~proprietor;~~

23 ~~(ii) If the filer is a corporation, however organized, list the name of each~~
24 ~~officer;~~

1 ~~(iii) If the filer is a partnership, however organized, and if the~~
2 ~~partnership has 10 or more partners, list the name of the partnership; or~~

3 ~~(iv) If the filer is a partnership, however organized, and if the~~
4 ~~partnership has fewer than 10 partners, list the name of each partner.~~

5 ~~(B) If the filer is an individual, the name and address of the filer's employer, if~~
6 ~~any, or his or her principal place of business if the filer is self employed, and a~~
7 ~~description of the business activity in which the filer or his or her employer is engaged;~~

8 ~~(C) The total amount of payments to influence local legislative or~~
9 ~~administrative action made during the preceding two months; and~~

10 ~~(D) A description of each local legislative or administrative action the filer~~
11 ~~seeks to influence or sought to influence during the preceding two months, and the~~
12 ~~outcome sought by the filer.~~

13 ~~(5) All political contributions of \$100 or more made or delivered by the filer, or made~~
14 ~~by a client at the behest of the filer, during the preceding two months in support of or in~~
15 ~~opposition to an officer of the City and County, a candidate for such office, a committee~~
16 ~~controlled by such officer or candidate, or a committee primarily formed to support or oppose~~
17 ~~such officer or candidate, or any committee primarily formed to support or oppose a ballot~~
18 ~~measure to be voted on only in San Francisco. This report shall include all political~~
19 ~~contributions arranged by the lobbyist, or for which the lobbyist acted as an agent or~~
20 ~~intermediary.~~

21 ~~(6) Any other information required by the Ethics Commission consistent with the~~
22 ~~purposes and provisions of this Chapter.~~

23 ~~(7) No lobbyist shall be required to report activities described in Subsection (d)(1) of~~
24 ~~Section 2.105, other than Subsections (d)(1)(C), (L) and (P) of Section 2.105.~~

1 ~~(e) REREGISTRATION REPORTS. Each lobbyist shall reregister annually no later than~~
2 ~~January 15. The reregistration report must include the date of the most recent lobbyist workshop (as~~
3 ~~described in Section 2.140(j) of this Chapter) attended by the lobbyist.~~

4 ~~(d) QUARTERLY REPORTS OF LOBBYIST ACTIVITY~~LOBBYIST DISCLOSURES. Each
5 lobbyist shall file with the Ethics Commission quarterly reports containing the information specified in
6 this Subsection. For each calendar month, each lobbyist shall submit the following information no later
7 than the fifteenth calendar day following the end of the month~~The quarterly report for the period~~
8 ~~starting January 1st and ending March 31st shall be filed no later than April 15th; the quarterly report~~
9 ~~for the period starting April 1st and ending June 30th shall be filed no later than July 15th; the~~
10 ~~quarterly report for the period starting July 1st and ending September 30th shall be filed no later than~~
11 ~~October 15th; and the quarterly report for the period starting October 1st and ending December 31st~~
12 ~~shall be filed no later than January 15th. Quarterly reports shall include the following information:~~

13 (1) The name, business address and business telephone number of each person from
14 whom the lobbyist or the lobbyist's employer received or expected to receive economic
15 consideration to influence local legislative or administrative action during the reporting period;

16 (2) The name of each officer of the City and County of San Francisco with whom the
17 lobbyist made a contact during the reporting period;

18 (3) The date on which each contact was made;

19 (4) The local legislative or administrative action that the lobbyist sought to influence,
20 including, if any, the title and file number of any resolution, motion, appeal, application,
21 petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or
22 contract, and the outcome sought by the client;

23 (5) The client on whose behalf each contact was made;

1 (6) The amount of economic consideration received or expected by the lobbyist or the
2 lobbyist's employer from each client during the reporting period;

3 (~~7~~) All activity expenses incurred by the ~~filer~~lobbyist during the reporting
4 period, including the following information:

5 (A) The date and amount of each activity expense;

6 (B) The full name and official position, if any, of the beneficiary of each
7 activity expense, a description of the benefit, and the amount of the benefit;

8 (C) The full name of the payee of each activity expense if other than the
9 beneficiary;

10 (D) Whenever a ~~filer~~lobbyist is required to report a salary of an individual
11 pursuant to this Subsection, the ~~filer~~lobbyist need only disclose whether the total
12 salary payments made to the individual during the reporting period was less than
13 or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater
14 than \$1,000 but less than or equal to \$10,000, or greater than \$10,000.

15 (~~8~~) All political contributions of \$100 or more made or delivered by the
16 ~~filer~~lobbyist or the lobbyist's employer, or made by a client at the behest of the ~~filer~~lobbyist
17 or the lobbyist's employer during the reporting period to an officer of the City and County,
18 a candidate for such office, a committee controlled by such officer or candidate, or a
19 committee primarily formed to support or oppose such officer or candidate, or any
20 committee primarily formed to support or oppose a ballot measure to be voted on only
21 in San Francisco. This report shall include ~~all~~such political contributions arranged by the
22 lobbyist, or for which the lobbyist acted as an agent or intermediary.

23 The following information regarding each political contribution shall be submitted to
24 the Ethics Commission:

- 1 (A) The amount of the contribution;
- 2 (B) The name of the contributor;
- 3 (C) The date on which the contribution was made;
- 4 (D) The contributor's occupation;
- 5 (E) The contributor's employer, or if self-employed, the name of the
- 6 contributor's business; and
- 7 (F) The committee to which the contribution was made.
- 8 (9) For each contact at which a person providing purely technical data, analysis, or
- 9 expertise was present, as described in section 2.105(d)(1)(K), the name, address, employer and
- 10 area of expertise of the person providing the data, analysis or expertise.
- 11 (10) Any amendments to the lobbyist's registration information required by subsection
- 12 (b).
- 13 (11) Any other information required by the Ethics Commission consistent with the
- 14 purposes and provisions of this Chapter.
- 15 ~~(3) If the filer is a contract lobbyist, the filer shall also report the following:~~
- 16 ~~(A) The name of each person employed or retained by the filer during the~~
- 17 ~~reporting period to contract officers of the City and County;~~
- 18 ~~(B) The name, address, and telephone number of each client on whose behalf~~
- 19 ~~the filer provided lobbyist service during the reporting period;~~
- 20 ~~(C) The total economic consideration promised by or received from clients~~
- 21 ~~during the reporting period in exchange for lobbyist services;~~
- 22 ~~(D) The name and title, if applicable, of each officer and department of the City~~
- 23 ~~and County contacted by the filer during the reporting period;~~

24
25

1 ~~(E) For each client, describe the local legislative or administrative action the~~
2 ~~filer was retained to influence and the outcome sought by the filer; and~~

3 ~~(F) For each client, describe the lobbyist services provided for which economic~~
4 ~~consideration was received from or promised by the client.~~

5 ~~(4) If the filer is a business or organization lobbyist, the filer shall also report the~~
6 ~~following:~~

7 ~~(A) The name of each employee or member of the business or organization~~
8 ~~authorized to contact officers of the City and County, during the reporting period, on~~
9 ~~behalf of the business or organization;~~

10 ~~(B) The total amount of payments to influence local legislative or administrative~~
11 ~~action made by the filer during the reporting period;~~

12 ~~(C) The name and title, if applicable, of each officer and department of the City~~
13 ~~and County contacted by the filer's employees or members during the reporting period;~~
14 ~~and~~

15 ~~(D) A description of each local legislative or administrative action the filer~~
16 ~~sought to influence during the reporting period, and the outcome sought by the filer.~~

17 ~~(5) If the filer is an expenditure lobbyist, the filer shall also report the following:~~

18 ~~(A) The total amount of payments to influence local legislative or administrative~~
19 ~~action made during the reporting period; and~~

20 ~~(B) A description of each local legislative or administrative action the filer~~
21 ~~sought to influence during the reporting period, and the outcome sought by the filer.~~

22 ~~(6) Each City and County contract awarded to the filer during the reporting period.~~
23 ~~For purposes of this Subsection, the term "contract" means a contract for: the rendition of~~
24 ~~personal services; the furnishing of any material, supplies or equipment to or from the City,~~
25

1 ~~whether by purchase or lease; the sale or lease of land or buildings to or by the City, or the~~
2 ~~financing of the same.~~

3 ~~(7) Payments made by City and County officers to the filer during the reporting period,~~
4 ~~provided that the payment is made in exchange for "campaign consulting services," as defined~~
5 ~~in Section 1.505 of this Code, and provided that the filer contacted the officer within one year of~~
6 ~~the date of payment. The required disclosure of payments under this Subsection shall not apply~~
7 ~~to information that is privileged under State law.~~

8 ~~(8) The name of each officer of the City and County who is employed or retained by the~~
9 ~~filer, or by a client of the filer at the behest of the filer, at any time during the reporting period.~~

10 ~~(9) Any other information required by the Ethics Commission consistent with the~~
11 ~~purposes and provisions of this Chapter.~~

12 ~~(10) No lobbyist shall be required to report activities described in Subsection (d)(1) of~~
13 ~~Section 2.105, other than Subsection (d)(1)(C), (L) and (P) of Section 2.105.~~

14 (d) REGISTRATION AND FILING OF DISCLOSURES BY ORGANIZATIONS. The Ethics
15 Commission is authorized to establish procedures to permit the registration and filing of lobbyist
16 disclosures by a business, firm, or organization on behalf of the individual lobbyists employed by those
17 businesses, firms, or organizations.

18 (e) FEES; TERMINATION OF REGISTRATION.

19 (1) At the time of registration ~~or reregistration~~; each lobbyist shall pay a fee of
20 ~~\$500~~100. On or before every subsequent February 1, each registered lobbyist shall pay an
21 additional fee of \$100. ~~The Ethics Commission shall prorate the fee by calendar quarter.~~

22 ~~(2) In addition, at the time of registration and reregistration, contract lobbyists shall~~
23 ~~pay a fee of \$75 for each current client. When a contract lobbyist is retained by a client~~
24 ~~subsequent to registration, payment of the \$75 fee shall accompany the filing of the information~~
25

1 ~~required in Subsection (f) of this Section. The Ethics Commission shall prorate these fees by~~
2 ~~calendar quarter.~~

3 (2) Failure to pay the annual fee by February 1 shall constitute a termination of a
4 lobbyist's registration with the Ethics Commission. The Ethics Commission is also authorized
5 to establish additional processes for the termination of a lobbyist's registration.

6 (3) The Ethics Commission shall waive all registration ~~and client~~ fees for any
7 full-time employee of a tax-exempt organization presenting proof of ~~its~~ the organization's
8 tax-exempt status under 26 U.S.C. section 501(c)(3) or 501(c)(4).

9 (4) The Ethics Commission shall deposit all fees collected pursuant to this
10 Section in the General Fund of the City and County of San Francisco.

11 ~~(f) CLIENT AUTHORIZATION STATEMENTS. At the time of initial registration, each~~
12 ~~contract lobbyist shall submit to the Ethics Commission a written authorization from each client. The~~
13 ~~client authorization statement shall be signed by both the contract lobbyist and the client.~~

14 ~~If the lobbyist is retained by a client after the date of initial registration, the lobbyist shall file a~~
15 ~~client authorization statement before providing any lobbyist services to the client, and before receiving~~
16 ~~any economic consideration from the client in exchange for such lobbyist services, and in any event no~~
17 ~~later than 15 days after being retained by the client. The lobbyist is not required to amend previously~~
18 ~~filed registration, reregistration or quarterly reports to include a client who retains the services of the~~
19 ~~lobbyist after the time the report was filed.~~

20 ~~If the lobbyist is retained by a client after the date of initial registration, the lobbyist may submit~~
21 ~~a copy of the client authorization statement by facsimile machine. The client authorization statement~~
22 ~~shall be deemed to be timely filed only if the facsimile copy is received no later than the filing deadline,~~
23 ~~and within 15 days of the filing deadline the original document is received by the Ethics Commission,~~
24 ~~and the original document is identical in all respects to the facsimile copy.~~

1 *The lobbyist is not required to resubmit client authorization statements at the time of*
2 *reregistration.*

3 ~~*(g) CLIENT TERMINATION STATEMENTS. Within 15 days after a client terminates the*~~
4 ~~*services of a contract lobbyist, the lobbyist shall submit to the Ethics Commission a statement that the*~~
5 ~~*client has terminated the services of the lobbyist. The client termination statement shall be signed by*~~
6 ~~*the contract lobbyist. A contract lobbyist may not provide lobbyist services to a client after a client*~~
7 ~~*termination statement is filed, until a new client authorization statement has been filed pursuant to*~~
8 ~~*Subsection (f) of this Section.*~~

9 ~~*(h) LOBBYIST TERMINATION STATEMENTS. Once a person qualifies as a "lobbyist" under*~~
10 ~~*this Chapter, the person shall be subject to all registration, reporting and other requirements and*~~
11 ~~*prohibitions imposed by this Chapter until the person ceases all lobbyist activity and files a lobbyist*~~
12 ~~*termination statement with the Ethics Commission pursuant to this Subsection, regardless of whether*~~
13 ~~*the person continues to meet the activity thresholds established in Section 2.105(i). A lobbyist*~~
14 ~~*termination statement shall include all information required by Subsection (d) of this Section for the*~~
15 ~~*period starting with the first day of the calendar quarter and ending with the date of termination. A*~~
16 ~~*lobbyist termination statement shall be filed no later than 30 days after the date the lobbyist ceased all*~~
17 ~~*lobbyist activity.*~~

18 **SEC. 2.115. PROHIBITIONS.**

19 (a) **GIFT LIMIT.** No lobbyist shall make gifts to an officer of the City and County *that*
20 *have a fair market value of more than \$25, except for those gifts that would qualify for one of the*
21 *exemptions under section 3.216(b) of this Code and its implementing regulations.* ~~*aggregating more*~~
22 ~~*than \$50 within three months of contacting the officer. No lobbyist shall act as an agent or*~~
23 ~~*intermediary in the making of any gift to an officer of the City and County, or arrange for the making of*~~
24
25

1 ~~any gift to an officer of the City and County by a third party, within three months of contacting the~~
2 ~~officer.~~

3 (b) FUTURE EMPLOYMENT. No lobbyist shall cause or influence the introduction or
4 initiation of any local legislative or administrative action for the purpose of thereafter being
5 employed or retained to secure its granting, denial, confirmation, rejection, passage or defeat.

6 (c) FICTITIOUS PERSONS. No lobbyist shall contact any officer of the City and
7 County in the name of any fictitious person or in the name of any real person, except with the
8 consent of such real person.

9 (d) EVASION OF OBLIGATIONS. No lobbyist shall attempt to evade the obligations
10 imposed by this Chapter through indirect efforts or through the use of agents, associates or
11 employees.

12 SEC. 2.116. LOBBYIST TRAINING.

13 Each lobbyist must complete a lobbyist training session offered by the Ethics Commission
14 within one year of the lobbyist's initial registration. Thereafter, lobbyists shall attend additional
15 training sessions as required by the Executive Director, at his or her discretion.

16 SEC. 2.117. LOBBYING BY CAMPAIGN CONSULTANTS.

17 (a) PROHIBITION. No campaign consultant, individual who has an ownership interest
18 in the campaign consultant, or an employee of the campaign consultant shall communicate
19 with any officer of the City and County who is a current or former client of the campaign
20 consultant on behalf of another person or entity (other than the City and County) in exchange
21 for economic consideration for the purpose of influencing local legislative or administrative
22 action.

23 (b) EXCEPTIONS.

24 (1) This prohibition shall not apply to:
25

- 1 (A) an employee of a campaign consultant whose sole duties are clerical; or
2 (B) an employee of a campaign consultant who did not personally provide campaign
3 consulting services to the officer of the City and County with whom the employee seeks to
4 communicate in order to influence local legislative or administrative action.

5 (2) The exceptions in Subsection (b)(1) shall not apply to any person who
6 communicates with an officer of the City and County in his or her capacity as an employee of
7 the campaign consultant who is prohibited by Subsection (a) from making the communication.

8 (c) DISCLOSURE. Each campaign consultant who communicates with any officer of
9 the City and County, or staff person of such officer, on behalf of another person or entity
10 (other than the City and County) in exchange for economic consideration for the purpose of
11 influencing local legislative or administrative action shall file a quarterly report with the Ethics
12 Commission containing the following information:

13 (1) The names, business addresses and business telephone numbers of each
14 current client for whom the campaign consultant provides campaign consulting services
15 during the reporting period and each former client who is an officer of the City and
16 County for whom the campaign consultant provided campaign consulting services
17 during the past 60 months;

18 (2) The names, business addresses and business telephone numbers of each
19 person on whose behalf the filer provided lobbyist services during the reporting period;

20 (3) The total economic consideration promised by or received from each person
21 listed in subsection (2) for lobbyist services during the reporting period;

22 (4) For each person listed in subsection (2), the local legislative or
23 administrative action the filer was retained to influence, and the outcome sought by the
24 filer;

25

1 (5) The name of each officer of the City and County, or staff person of such
2 officer, whom the campaign consultant contacted in seeking to influence a local
3 legislative or administrative action and the number of contacts with each such
4 individual officer or staff person during the reporting period.

5 (d) DEFINITIONS. Whenever the following words or phrases are used in this Section,
6 they shall mean:

7 (1) "Campaign ~~C~~onsultant" shall have the same meaning as in Article I,
8 Chapter 5, Section 1.505 of this Code.

9 (2) "Campaign ~~consultant~~ consulting services" shall have the same meaning as in
10 Article I, Chapter 5, Section 1.505 of this Code.

11 (3) "Current client" shall mean a person for whom the campaign consultant has
12 filed a client authorization statement pursuant to Article I, Chapter 5, Section 1.515(d)
13 of this Code and not filed a client termination statement pursuant to Article I, Chapter 5,
14 Section 1.515(f) of this Code. If such person is a committee as defined by Section
15 82013 of the California Government Code, the current client shall be any individual who
16 controls such committee; any candidate that such committee was primarily formed to
17 support; and any proponent or opponent of a ballot measure that the committee is
18 primarily formed to support or oppose.

19 (4) "Employee" shall mean an individual employed by a campaign consultant,
20 but does not include any individual who has an ownership interest in the campaign
21 consultant that employs them.

22 (5) "Former client" shall mean a person for whom the campaign consultant has
23 filed a client termination statement pursuant to Article I, Chapter 5, Section 1.515(f) of
24 this Code within the 60 months prior to communicating with the person.
25

1 (6) "Staff person" shall be defined by regulation by the Ethics Commission, and
2 shall include any person who works for an elected official and holds a position
3 designated by Article 3, Chapter 1 of the Campaign and Governmental Conduct Code
4 to file financial disclosures pursuant to Disclosure Category 1.

5 SEC. 2.120. EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES;
6 APPOINTMENT OF EMPLOYEE TO CITY AND COUNTY OFFICE.

7 (a) EMPLOYMENT OF CITY AND COUNTY OFFICERS OR EMPLOYEES. If any
8 lobbyist employs or requests, recommends or causes a client of the lobbyist to employ, and
9 such client does employ, any officer of the City and County, any immediate family member or
10 registered domestic partner of an officer of the City and County, or any person known by such
11 lobbyist to be a full-time employee of the City and County, in any capacity whatsoever, the
12 lobbyist shall file within 10 days after such employment a statement with the Ethics
13 Commission setting out the name of the employee, the date first employed, the nature of the
14 employment duties, and the salary or rate of pay of the employee.

15 (b) APPOINTMENT OF EMPLOYEE TO CITY OFFICE. If an employee of a lobbyist is
16 appointed to City or County office, the lobbyist shall file within 10 days after such appointment
17 a statement with the Ethics Commission setting out the name of the employee, the date first
18 employed, the nature of the employment duties, and the salary or rate of pay of the employee.

19 (c) REPORT OF SALARY. Whenever a filer is required to report the salary of an
20 employee who is also an officer or employee of the City and County pursuant to this Section,
21 the filer need only disclose whether the total salary payments made to the employee are less
22 than or equal to \$250, greater than \$250 but less than or equal to \$1,000, greater than \$1,000
23 but less than or equal to \$10,000, or greater than \$10,000.

24 ~~SEC. 2.125. NOTIFICATION OF BENEFICIARIES OF GIFTS.~~

1 ~~Each lobbyist shall provide each officer of the City and County who is the beneficiary of a gift~~
2 ~~made by the lobbyist a written statement including the date, value and description of the gift. The~~
3 ~~lobbyist shall provide this information to the officer within 30 days following the end of the reporting~~
4 ~~period in which the gift was made. A lobbyist may satisfy this notification requirement by providing a~~
5 ~~copy of the lobbyist's quarterly report of lobbyist activity to the officer.~~

6 SEC. 2.130. EMPLOYMENT OF UNREGISTERED PERSONS.

7 It shall be unlawful knowingly to pay any ~~contract~~ lobbyist to contact any officer of the
8 City and County of San Francisco, if said ~~contract~~ lobbyist is required to register under this
9 Chapter and has not done so by the deadlines imposed in this Chapter.

10 SEC. 2.135. FILING UNDER PENALTY OF PERJURY; RETENTION OF
11 DOCUMENTS.

12 All information required under this Chapter shall be ~~filed with~~submitted to the Ethics
13 Commission, ~~on forms provided in the format designated by~~ the Commission. The ~~filer~~lobbyist
14 shall verify, under penalty of perjury, the accuracy and completeness of the information
15 provided under this Chapter. The ~~filer~~lobbyist shall retain for a period of five years all books,
16 papers and documents necessary to substantiate the registration and disclosure reports
17 required by this Chapter.

18 SEC. 2.140. POWERS AND DUTIES OF THE ETHICS COMMISSION.

19 (a) The Ethics Commission shall ~~provide forms~~prescribe the format for the ~~reporting~~
20 submission of all information required by this Chapter.

21 ~~(b) The Ethics Commission shall issue a registration number to each registered lobbyist.~~

22 ~~(c) At the time of initial registration and reregistration, the Ethics Commission shall provide~~
23 ~~the lobbyist with a copy of the City's lobbyist law, and any related material which the Commission~~

1 ~~determines will serve the purposes of this Chapter. Each lobbyist shall sign a statement acknowledging~~
2 ~~receipt of these materials.~~

3 ~~(d) The Ethics Commission shall issue a "Notice of Registration Required" upon the written~~
4 ~~request of any officer of the City and County. Any person who in good faith and on reasonable grounds~~
5 ~~believes that compliance with this Chapter is not required by reason of being exempt under Section~~
6 ~~2.105(i) shall not be deemed to have violated this Chapter if, within 15 days after notice from the Ethics~~
7 ~~Commission, that person either complies or furnishes satisfactory evidence to the Ethics Commission~~
8 ~~evidencing that said person is exempt from registration.~~

9 ~~(e)~~ Upon request by the Board of Supervisors or the Mayor, ~~The~~ Ethics Commission
10 shall compile the information ~~provided in registration and quarterly reports filed~~ submitted
11 pursuant to this Chapter ~~as soon as practicable after the close of each quarter~~ and shall forward a
12 report of the compiled information to the Board of Supervisors and the Mayor within thirty days
13 of receipt of the request.

14 ~~(f)~~ In July of each year Upon request by the Board of Supervisors or the Mayor, the Ethics
15 Commission shall file a report with the Board of Supervisors and the Mayor on the
16 implementation of this Chapter within thirty days of receipt of the request.

17 ~~(g)~~ The Ethics Commission shall preserve all original reports, statements, and other
18 records required to be kept or filed under this Chapter for a period of five years. Such reports,
19 statements, and records shall constitute a part of the public records of the Ethics Commission
20 and shall be open to public inspection.

21 ~~(h)~~ The Ethics Commission shall provide formal and informal advice regarding the
22 duties under this Chapter of a person or entity pursuant to the procedures specified in San
23 Francisco Charter Section C3.699-12.

1 (i) The Ethics Commission shall have the power to adopt all reasonable and
2 necessary rules and regulations for the implementation of this Chapter pursuant to Charter
3 Section ~~C3.699-9~~15.102.

4 (j) The Ethics Commission shall conduct quarterly workshops concerning the laws
5 relating to lobbying.

6 SEC. 2.145. ADMINISTRATIVE AND CIVIL ENFORCEMENT AND PENALTIES.

7 (a) If any lobbyist ~~fails to file~~submit any information required by this Chapter ~~original~~
8 ~~statement or report~~ after any applicable deadline ~~imposed by this Chapter~~, the Ethics Commission
9 shall, in addition to any other penalties or remedies established in this Chapter, fine the
10 lobbyist \$50 per day after the deadline until the ~~statement or report~~information is received by the
11 Ethics Commission. The Ethics Commission may reduce or waive a fine if the Commission
12 determines that the late filing was not willful and that enforcement will not further the purposes
13 of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the
14 General Fund of the City and County of San Francisco.

15 (b) ~~Any person who believes that the provisions of this Chapter have been violated may file a~~
16 ~~complaint with the Ethics Commission. Upon receipt of a complaint, or upon its own initiative, the~~
17 ~~Commission may investigate alleged violations of this Chapter and may enforce the provisions of this~~
18 ~~Chapter pursuant to Charter Section C3.699-13 and to the Commissioner's rules and regulations~~
19 ~~adopted pursuant to Charter Section C3.699-9.~~Any person who knowingly or negligently violates this
20 Chapter, including but not limited to, by providing inaccurate or incomplete information regarding
21 lobbying activities, shall be liable in an administrative proceeding before the Ethics Commission
22 pursuant to Charter section C3.699-13. In addition to the administrative penalties set forth in the
23 Charter, the Ethics Commission may issue warning letters regarding potential violations of this
24 Chapter.

1 (c) Any person or entity which knowingly or negligently violates this Chapter may be
2 liable in a civil action brought by the City Attorney for an amount up to ~~\$1,000~~5,000 per
3 violation, or three times the amount not properly reported,~~or three times the amount given or~~
4 ~~received in excess of the gift limit~~, whichever is greater.

5 (d) In investigating any alleged violation of this Chapter the Ethics Commission and
6 City Attorney shall have the power to inspect,~~upon reasonable notice~~, all documents required to
7 be maintained under this Chapter. This power to inspect documents is in addition to other
8 powers conferred on the Ethics Commission and City Attorney by the Charter or by ordinance,
9 including the power of subpoena.

10 (e) Should two or more persons be responsible for any violation under this Chapter,
11 they shall be jointly and severally liable. If a business, firm or organization registers or files
12 lobbyists disclosures on behalf of its employees pursuant to section 2.110(d), the business, firm or
13 organization may be held jointly and severally liable for any failure to disclose its employees' lobbying
14 activities.

15 (f) The City Attorney may also bring an action to revoke for up to one year the
16 registration of any lobbyist who has knowingly violated this Chapter.

17 SEC. 2.150. LIMITATION OF ACTIONS.

18 (a) ~~No administrative or~~ civil action shall be ~~maintained~~ brought to enforce this Chapter
19 unless brought within four years after the date the cause of action accrued or the date that the
20 facts constituting the cause of action were discovered by the ~~Ethics Commission or~~ City
21 Attorney, ~~whichever is later~~. For the purpose of this subsection, a civil action is brought when the City
22 Attorney files the action in a court of law.

23 (b) No administrative action alleging a violation of this Chapter and brought under Charter
24 section C3.699-13 shall be brought more than four years after the date of events which form the basis
25

1 of the complaint, or the date that the events constituting the basis of the complaint were discovered by
2 the Ethics Commission. For the purpose of this subsection, a complaint is brought by the Executive
3 Director of the Ethics Commission upon the date of service of the probable cause report.

4 (c) A civil action brought to collect fines or penalties imposed under this Chapter shall be
5 brought within four years after the date on which the monetary penalty or fine was imposed. For
6 purposes of this subsection, a fine or penalty is imposed when the Ethics Commission has issued a final
7 decision in an enforcement action imposing a fine or penalty for a violation of this Chapter or the
8 Executive Director has made a final determination regarding the amount of a late fine or penalty
9 imposed under this Chapter. The Executive Director does not make a final determination regarding the
10 amount of a late fine or penalty imposed under this Chapter until the Executive Director has made a
11 determination to accept or refuse any request to waive a late fine or penalty where such waiver is
12 expressly authorized by statute, ordinance, or regulation. For the purpose of this subsection, a civil
13 action is brought when the City Attorney files the action in a court of law.

14 **SEC. 2.155. SEVERABILITY.**

15 If any Section, Subsection, subdivision, sentence, clause, phrase or portion of this
16 Chapter, or the application thereof to any person, is for any reason held to be invalid or
17 unconstitutional by the decision of any court of competent jurisdiction, such decision shall not
18 affect the validity of the remaining portions of this Chapter or its application to other persons.
19 The Board of Supervisors hereby declares that it would have adopted this Chapter, and each
20 Section, Subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of
21 the fact that any one or more Sections, Subsections, subdivisions, sentences, clauses,
22 phrases, or portions, or the application thereof to any person, to be declared invalid or
23 unconstitutional.

24 ~~**SEC. 2.160. ELECTRONIC FILING OF STATEMENTS AND REPORTS.**~~

1 ~~(a) ELECTRONIC FILING REQUIRED. Whenever lobbyists are required by this Chapter to~~
2 ~~file an original statement or report, the Ethics Commission may require the lobbyists to file an~~
3 ~~electronic copy of the statement or report. The electronic copy shall be due no later than the deadline~~
4 ~~imposed by this Chapter for filing the original statement or report.~~

5 ~~(b) POWERS AND DUTIES OF THE ETHICS COMMISSION.~~

6 ~~(i) Pursuant to San Francisco Charter Section 15.102, the Ethics Commission shall~~
7 ~~adopt regulations specifying the electronic filing requirements applicable to campaign~~
8 ~~lobbyists. The Ethics Commission shall adopt these regulations no fewer than 120 days before~~
9 ~~the electronic filing requirements are effective.~~

10 ~~(ii) The Ethics Commission shall prescribe the format for electronic copies of~~
11 ~~statements and reports no fewer than 90 days before the statements and reports are due to be~~
12 ~~filed.~~

13 ~~(c) PENALTIES. If any lobbyist files an electronic copy of a statement or report after the~~
14 ~~deadline imposed by this Section, the Ethics Commission shall, in addition to any other penalties or~~
15 ~~remedies established in this Chapter, fine the lobbyist \$10 per day after the deadline until the electronic~~
16 ~~copy is received by the Ethics Commission. The Ethics Commission may reduce or waive a fine if the~~
17 ~~Commission determines that the late filing was not willful and that enforcement will not further the~~
18 ~~purposes of this Chapter. The Ethics Commission shall deposit funds collected under this Section in the~~
19 ~~General Fund of the City and County of San Francisco.~~

20 Section 2. The operative date of this ordinance shall be January 1, 2010, unless the
21 Ethics Commission approves a resolution establishing a later operative date for the ordinance.
22 The Ethics Commission shall not establish an operative date for the ordinance less than 60
23 days from the date of the resolution's adoption.

24 APPROVED AS TO FORM:
25

ETHICS COMMISSION
BOARD OF SUPERVISORS

DENNIS J. HERRERA, City Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

By: _____
ATTORNEY'S NAME
Deputy City Attorney