

# TEXT OF PROPOSED ORDINANCE

## PROPOSITION O

AMENDING THE SAN FRANCISCO CAMPAIGN AND GOVERNMENTAL CONDUCT CODE, ARTICLE I, CHAPTER I, TO ESTABLISH NEW CONTRIBUTION LIMITS AND PROVIDE PUBLIC FINANCING FOR SUPERVISORIAL ELECTION CAMPAIGNS.

Note: Additions are underlined. Deletions are in ~~strike through~~ text.

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

Section 1. The San Francisco Campaign and Governmental Conduct Code is hereby amended by amending Article I, Chapter I to read as follows:

### CHAPTER I: CAMPAIGN FINANCE

#### SEC. 1.100. PURPOSE AND INTENT. (a)

Huge sums of moneys often are necessary to finance American election campaigns. Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. In addition, this fundraising distracts public officials seeking reelection from focusing upon important public matters, encourages contributions which may have a corrupting influence, and gives incumbents an unfair fundraising advantage over potential challengers. These developments undermine the integrity of the governmental process, the competitiveness of campaigns and public confidence in local officials.

(b) It is the purpose and intent of the People ~~Board of Supervisors~~ of the City and County of San Francisco in enacting this Chapter to (1) place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections and to provide full and fair enforcement of all the provisions in this Chapter; (2) ensure that all individuals and interest groups in our city have a fair opportunity to participate in elective and governmental processes; (3) create an incentive to limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war chests for defensive purposes beyond the amount necessary to communicate reasonably with voters; (4) reduce the advantage of incumbents and thus encourage competition for elective office; (5) allow candidates and officeholders to spend a smaller proportion of their time on fundraising and a greater proportion of their time dealing with issues of importance to their constituents' community; (6) ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby promoting public discussion of the important issues involved in political cam-

paigns; (7) limit contributions to candidates and committees, including committees that make independent expenditures, to eliminate or reduce the appearance or reality that large contributors may exert undue influence over elected officials; and (8) help restore public trust in governmental and electoral institutions.

(c) This Chapter is enacted in accordance with the terms of Sections 5 and 7 of Article XI of the Constitution of the State of California and Section 1.101 of the Charter of the City and County of San Francisco.

**SEC. 1.102. CITATION.** This Chapter may be cited as the San Francisco Campaign Finance Reform Ordinance.

**SEC. 1.104. DEFINITIONS.** Whenever in this Chapter the following words or phrases are used, they shall mean:

(a) "Candidate" shall mean any individual listed on the ballot for election to any City and County elective office or who otherwise has taken affirmative action to seek nomination or election to such office. The term "candidate" shall also mean the candidate's campaign committee.

(b) "Charitable organization" shall mean an entity exempt from taxation pursuant to Title 26, Section 501 of the United State Code.

(c) "City elective office" shall mean the offices of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Member of the Board of Education of the San Francisco Unified School District and Member of the Governing Board of the San Francisco Community College District.

(d) ~~(b)~~ "Committee" shall be defined as set forth in the Government Code of the State of California (commencing at Section 81000), mean any person acting, or any combination of two or more persons acting jointly, in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(e) ~~(d)~~ "Contribution" shall be defined as set forth in Government Code of the State of California (commencing at Section 81000); provided, however, that "contribution" shall include loans of any kind or nature.

(f) ~~(c)~~ "Election" shall mean any primary, general or run-off municipal election held in the City and County of San Francisco for City elective office. With respect to the offices of Public Defender and Assessor, primary and general elections are separate elections for purposes of this ordinance. The primary election period for these offices shall extend from January 1 of the first year of an election cycle up to and including the date of the primary election, and the general election period for these offices shall extend from the day follow-

ing the primary election up to and including December 31 of the fourth year of the election cycle. With respect to the offices of Mayor, City Attorney, District Attorney, Sheriff, Treasurer and Supervisor, general and run-off elections are separate elections for the purposes of this ordinance. The general election period shall extend from January 1 of the first year of an election cycle up to and including the date of the general election, and the run-off election period shall extend from the date of the general election up to and including December 31 of the fourth year of the election cycle.

(g) "Election cycle" shall mean a four-year period preceding a term of office as defined by the San Francisco Charter, beginning on January 1, and ending on December 31 of the fourth year thereafter.

(h) ~~(f)~~ "Enforcement authority" shall mean the District Attorney of the City and County of San Francisco for criminal enforcement and the City Attorney for civil enforcement. Nothing in this Chapter shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Chapter under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(i) "Ethics Commission" shall mean the San Francisco Ethics Commission.

(j) "Executive Director" shall mean the Executive Director of the Ethics Commission, or the Executive Director's designee.

(k) "Matching contribution" shall mean a contribution, other than a qualifying contribution, that is made by an individual who is a resident of San Francisco and that complies with all requirements of this Chapter.

(l) ~~(g)~~ "Measure" shall mean any City referendum, recall or ballot proposition, whether or not it qualifies for the ballot, any City and County Charter amendment or other election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

(m) ~~(h)~~ "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

(n) ~~"Controlled Committee" shall mean a controlled committee, as defined in California Government Code Section 82106, of an elected City and County officer or candidate for such office, that is primarily formed or exists to support or oppose one or more proposed City and County charter amendments, ordinances, bond measures, resolutions, referendums or declarations of policy that have qualified for submission to the electorate, or regarding which a notice of intention to circulate a petition has been filed with the Registrar of Voters, or~~

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regarding which a motion has been introduced at the Board of Supervisors to have such a proposed measure submitted to the voters.

(j) "City elective office" shall include and be limited to the offices of Mayor, Member of the Board of Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Member of the Board of Education of the San Francisco Unified School District and Member of the Governing Board of the San Francisco Community College District.

(k) "Election cycle" shall mean a four-year period preceding a term of office as defined by the San Francisco Charter, beginning on January 1, and ending on December 31 of the fourth year thereafter.

(n) (4) "Qualified campaign expenditure" for candidates shall mean includes all of the following:

(1) Any expenditure made by a candidate, or by a committee controlled by the candidate, for the purpose of influencing or attempting to influence the actions of the voters for the election of the candidate to City elective office. Any expenditure made by a candidate, officeholder or committee controlled by the candidate or officeholder, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of any candidate for City elective office;

(2) A nonmonetary contribution provided to the candidate, officeholder or committee controlled by the candidate or officeholder;

(3) The total cost actually paid or incurred by the candidate or controlled committee of the candidate for a slate mailing or other campaign literature produced or authorized by more than one candidate. That portion of the total cost of a slate mailing or mailing of other campaign literature produced or authorized by more than one candidate which is the cost actually paid or incurred by the committee or controlled committee of the candidate;

(4) "Qualified campaign expenditure" shall not include expenses incurred in connection with an administrative or judicial proceeding, payments for administrative, civil or criminal fines, including late filing fines, or for inaugural activities or officeholder expenses.

(o) "Qualifying contribution" shall mean a contribution of not less than \$10 and not more than \$100 that is made by written instrument by an individual who is a resident of San Francisco and that complies with all requirements of this Chapter.

(p) "Surplus funds" shall mean unexpended funds held by a candidate after the date on which the candidate was either elected or not elected to City elective office.

### SEC. 1.106. ADOPTION OF GENERAL LAW — EXCEPTIONS. Except as otherwise

provided in this Chapter, the provisions of Title 9 of Government Code of the State of California (commencing at Section 81000), including the penal provisions thereof, shall be applicable to any election held in the City and County of San Francisco.

**SEC. 1.108. CAMPAIGN CONTRIBUTION TRUST ACCOUNT — ESTABLISHMENT.** Each committee campaign treasurer shall establish a campaign contribution trust account for the candidate or committee at an office of a bank located in the City and County of San Francisco, the account number and branch identification of which shall be filed with the Ethics Commission within 10 days of the establishment thereof. All of the expenditures by the candidate or committee for the City elective office sought shall be made from that account.

### SEC. 1.110. CAMPAIGN STATEMENTS — PUBLIC ACCESS.

(a) **PUBLIC INSPECTION AND COPY-MAKING.** Campaign statements are to be open for public inspection and reproduction at the office of the Ethics Commission during regular business hours and from 10:00 a.m. to 5:00 p.m. on the Saturday preceding an election.

(b) **RETENTION.** Every campaign statement required to be filed in accordance with Section 1.106 shall be preserved by the Ethics Commission for at least eight years from the date upon which it was required to be filed under the terms of this Chapter.

**SEC. 1.111. CAMPAIGN STATEMENTS — RETENTION.** Every campaign statement required to be filed in accordance with Section 1.106 shall be preserved by the Ethics Commission for at least four years from the date upon which it was required to be filed under the terms of this Chapter.

**SEC. 1.112. AMENDMENT OR REPEAL OF CHAPTER.** The voters may amend or repeal this Chapter. The Board of Supervisors may amend this Chapter if all of the following conditions are met:

(a) The amendment furthers the purposes of this Chapter;

(b) the Ethics Commission approves the proposed amendment in advance by at least a four-fifths vote of all its members;

(c) the proposed amendment is available for public review at least 30 days before the amendment is considered by the Board of Supervisors or any committee of the Board of Supervisors; and

(d) the Board of Supervisors approves the proposed amendment by at least a two-thirds vote of all its members.

### SEC. 1.114. CONTRIBUTION LIMITS. CAMPAIGN CONTRIBUTIONS — LIMITATIONS.

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed \$150.

### (a) (b) LIMITS ON CONTRIBUTIONS TO CANDIDATES — PRIMARY AND GENERAL ELECTIONS.

(1) **Per Candidate Limit.** For candidates who adopt the expenditure ceilings as defined in Section 1.128 of this Chapter, no person other than a candidate shall make, and no candidate campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to with respect to a single election in support of or opposition to such candidate in the general election including contributions to political committees supporting or opposing such candidate, to exceed \$500.

(2) **Overall Limit.** No person shall make any contribution which will cause the total amount contributed by such person to all candidates in the general election to exceed \$500 multiplied by the number of City elective offices to be voted on at the general election.

(3) **Definitions.** With respect to the offices of Public Defender and Assessor, the limits imposed by this subsection apply only to the primary election. For purposes of this subsection, the Board of Supervisors shall be deemed to consist of eleven separate City elective offices, the San Francisco Community College District shall be deemed to consist of seven separate City elective offices, and the Board of Education of the San Francisco Unified School District shall be deemed to consist of seven separate City elective offices.

### (b) LIMITS ON CONTRIBUTIONS TO CANDIDATES — RUN-OFF ELECTIONS.

(1) **Per Candidate Limit.** No person other than a candidate shall make, and no candidate shall solicit or accept, any contribution which will cause the total amount contributed by such person to such candidate for the run-off election to exceed \$250. The amount a person may contribute to a candidate in connection with a run-off election shall be controlled solely by the limits imposed by this subsection without regard to the amount said person contributed to the candidate in the general or primary election.

(2) **Overall Limit.** No person shall make any contribution which will cause the total amount contributed by such person to all candidates in a run-off election to exceed \$250 multiplied by the number of City elective offices to be voted on at that run-off election.

(3) **Definition.** With respect to the offices of Public Defender and Assessor, the limit imposed by this subsection applies only to the

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general election. For purposes of this subsection, the Board of Supervisors shall be deemed to consist of eleven separate City elective offices, the San Francisco Community College District shall be deemed to consist of seven separate City elective offices, and the Board of Education of the San Francisco Unified School District shall be deemed to consist of seven separate City elective offices.

### (c) LIMITS ON CONTRIBUTIONS TO COMMITTEES.

(1) Per Committee Limit. No person shall make, and no committee treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to the committee to exceed \$500 per calendar year.

(2) Overall Limit. No person shall make, and no committee treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to all committees to exceed \$3000 per calendar year.

(3) Definitions. For purposes of this subsection, "committee" shall mean any committee making expenditures to support or oppose a candidate, but shall not include candidates' campaign committees.

(d) CONTRIBUTOR INFORMATION REQUIRED. If the cumulative amount of contributions received from a contributor is \$100 or more, the committee treasurer shall not deposit the contribution unless the committee treasurer has the following information: the contributor's full name; the contributor's address; the contributor's occupation; and the name of the contributor's employer or, if the contributor is self-employed, the name of the contributor's business.

(e) FORFEITURE OF EXCESSIVE CONTRIBUTIONS. Each committee campaign treasurer who receives a contribution which exceeds the limits imposed by this Section or which does not comply with the requirements of this Section shall pay promptly, from available campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.

(f) RETURN OF CONTRIBUTIONS. A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

(g) FAIRNESS DOCTRINE. This Section shall not apply to any in-kind contribution of television or radio airtime to any candidate or committee granted to said candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC

576 (1963).

SEC. 1.116. LIMITS ON LOANS TO CANDIDATES. No candidate for the Board of Supervisors may have outstanding loans of the candidate's personal funds to the candidate's campaign committee at any time of more than \$15,000.

### SEC. 1.116. LIMITS ON CONTRIBUTIONS TO CONTROLLED COMMITTEES.

(a) No person other than a candidate or elected City and County officer shall make, and no controlled committee treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person to a controlled committee of the candidate or elected City and County officer to exceed \$500.

(b) If any person is found guilty of violating the terms of this Section, each controlled committee treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County.

(c) This Section shall not apply to any in-kind contribution of radio or television airtime to any controlled committee granted to said candidate or committee pursuant to the "Fairness Doctrine."

SEC. 1.118. RUN-OFF ELECTIONS, MUNICIPAL RUN-OFF ELECTION. All provisions of this Chapter, unless specified otherwise herein, shall be applicable in any municipal run-off for any City elective and County office. In addition, the following provisions shall be applicable in any such municipal run-off election:

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed \$100.

(b) For candidates who adopt the expenditure ceilings as defined in Section 1.128 of this Chapter, no person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed \$250. (c) Each campaign treasurer who receives a contribution which exceeds the limit imposed by this Section shall pay promptly, from available

campaign funds, if any, the amount received in excess of the amount permitted by this Section to the City Treasurer for deposit in the General Fund of the City and County.

(a) TIME LIMITATION ON ACCEPTANCE OF CONTRIBUTIONS. No person shall make, and no candidate campaign treasurer shall solicit or accept, any contribution in connection with a run-off election for a City elective office until the day following the date of the general election for that office.

(c) The amount a person may contribute in support of or opposition to a candidate in connection with a run-off election shall be controlled solely by the limits imposed by this Section without regard to the amount said person contributed in support of or opposition to the candidate in the general election.

(b) USE OF UNEXPENDED FUNDS. Any candidate who qualifies for a run-off election may utilize unexpended campaign funds from the general election campaign for the run-off election, provided that the applicable expenditure ceilings shall continue to apply.

(g) A contribution shall not be considered to be received if it is not negotiated, deposited, or utilized, and in addition it is returned to the donor within 72 hours of receipt. In the case of a late contribution as defined in Government Code Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

### SEC. 1.120. CONTRIBUTION LIMITS - POST-ELECTION LEGAL PROCEEDINGS.

All provisions of this Chapter, unless specified otherwise herein, shall be applicable in any post-election recounts, election contests or other proceedings held pursuant to law. In addition, the following provisions shall be applicable in any such post-election legal proceedings:

(a) No person other than a candidate shall make, and no candidate campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in post-election legal proceedings to any candidate in support of or opposition to candidates, including contributions to political committees supporting or opposing such candidate, to exceed, in addition to the contribution limit contained in Sections 1.114 and 1.118, \$100.

(b) Notwithstanding any other provision of this Chapter to the contrary, for the purposes of conducting post-election recounts, election contests or other proceedings held pursuant to law, the delivery of in-kind legal services by lawyers in support of or in opposition to candidates, including in-kind contributions to political committees supporting or opposing candidates, shall not be subject to any contribution

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limitations set forth in this Chapter.

(c) If any person is found guilty of violating the terms of this Section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County.

**SEC. 1.122. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS — LIMITATIONS.** No intended candidate for any ~~public office of the City~~ elective office and County, and no committee acting on behalf of a candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution unless and until said candidate shall have filed a declaration of intention to become a candidate for a specific City and County office with the Department of Elections on a form to be prescribed by the Director of Elections; provided, however, that in any election in which members of the Board of Supervisors are elected by votes cast in a district, the office of a member of the Board of Supervisors shall be deemed to be a specific office of the City and County.

No person shall file a declaration of intention to become a candidate for more than one City ~~elective office of said City and County~~. For the purposes of this Section a committee acting on behalf of a candidate need not be controlled by or acting under the authorization of the candidate.

Except as provided below, any contributions solicited or accepted under this Section shall be expended only on behalf of the candidacy for the office specified in said declaration of intention to become a candidate. Contributions solicited or accepted under this Section for one individual shall not be expended for the candidacy of any other individual or in support of or opposition to any measure. If an individual ceases to be a candidate or fails to qualify under the provisions of the Charter for an office for which contributions have been solicited or accepted, then all unexpended contributions shall be returned on a pro rata basis to those persons who have made said contributions or donated to the General Fund of the City and County of San Francisco.

Unexpended contributions held by a candidate or committee after the date of the election in which said candidate or measure appeared on the ballot may be returned on a pro rata basis to those persons who have made said contributions, donated to a charitable organization, donated to the General Fund of the City and County of San Francisco, or as contributions to a candidate or a committee acting on behalf of a candidate, transferred to any legally constitut-

ed committee established by or on behalf of the candidate, pursuant to the provisions of Government Code of the State of California (commencing at Section 81000).

**SEC. 1.124. PERSONS PROHIBITED FROM MAKING CONTRIBUTIONS IN THE NAME OF ANOTHER.** (a) No contribution of \$100 or more other than an in-kind contribution shall be made unless by written instrument containing the name of the donor and the name of the payee.

(b) No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

(c) Any candidate who receives a contribution made in violation of this Section shall pay promptly, from available campaign funds, the amount of the contribution to the City Treasurer for deposit in the General Fund of the City and County.

**SEC. 1.126. CONTRIBUTION LIMITS - CONTRACTORS DOING BUSINESS WITH THE CITY PROHIBITED FROM MAKING CONTRIBUTIONS.** No person who contracts with the City and County of San Francisco, for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling or leasing any land or building to or from the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidate for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and either the completion of, or the termination of, negotiations for such contract.

**SEC. 1.128. EXPENDITURE CEILINGS.** All candidates for City elective office who adopt campaign expenditure ceilings as defined below ~~are permitted the higher contribution limits as defined in Sections 1.114(b) and 1.118(b). Before accepting any contributions at the higher contribution limits, candidates who adopt voluntary expenditure ceilings must first~~ file a statement with the Department of Elections indicating acceptance of the expenditure ceiling. Said statement shall be filed no later than the deadline for filing nomination papers with the Department of Elections, and once filed may not be withdrawn. This statement is a public document.

**SEC. 1.130. AMOUNT OF EXPENDITURE CEILINGS.** (a) In primary elections, any candidate for Assessor or Public Defender who agrees to expenditure ceilings shall not make total qualified campaign expenditures

exceeding \$175,000. In general elections, any candidate for Assessor or Public Defender who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding \$100,000.

(b) In general elections, any candidate for Mayor who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$600,000. In run-off elections, any candidate for Mayor who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding \$400,000.

(c) In general elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$175,000. In run-off elections, any candidate for City Attorney, District Attorney, Treasurer or Sheriff who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding \$100,000.

(d) In general elections, any candidate for the Board of Supervisors who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$75,000. In run-off elections, any candidate for the Board of Supervisors who agrees to expenditure limits shall not make total qualified campaign expenditures exceeding \$20,000.

(e) Any candidate for the Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community College District who agrees to expenditure ceilings shall not make total qualified campaign expenditures exceeding \$75,000.

(f) The Ethics Commission is authorized to adjust annually the expenditure ceilings imposed by this Section to reflect the change in the California Consumer Price Index for that year.

**SEC. 1.132. TIME PERIODS FOR EXPENDITURES.** (a) For purposes of the expenditure ceilings for the offices of Assessor and Public Defender, qualified campaign expenditures made at any time on or before the date of the primary shall be considered primary election expenditures, and qualified expenditures made after the date of the primary election shall be considered general election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

(b) For purposes of the expenditure ceilings for the offices of City Attorney, District Attorney, Treasurer, Sheriff and Supervisor, qualified campaign expenditures made at any

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time before the general election shall be considered general election expenditures, and qualified expenditures made after the general election shall be considered run-off election expenditures. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered qualified campaign expenditures for the time period in which they are used. Payments for goods or services used during both time periods shall be prorated.

**SEC. 1.134. EXPENDITURE CEILINGS LIFTED — OFFICES OTHER THAN SUPERVISOR.** This Section shall apply only if at least one candidate for the City elective office has filed a statement with the Department of Elections pursuant to Section 1.128 indicating acceptance of the applicable expenditure limits. (a) If a candidate declines to accept expenditure ceilings and receives contributions or makes qualified campaign expenditures in excess of 100 ~~50~~ percent of the applicable expenditure ceiling, or if an independent expenditure committee or committees in the aggregate spend in support of or in opposition to a candidate more than 25 ~~100~~ percent of the applicable expenditure ceiling, the applicable expenditure limit shall no longer be binding on any candidate seeking election to the same office, ~~and any candidate running for the same office who accepted expenditure limits shall be permitted to continue to receive contributions at the amount set for such candidates in Section 1.144(b) or 1.148(b).~~

(b) Any candidate who declines to adopt the voluntary expenditure ceiling and who receives contributions, makes expenditures or has funds in his campaign trust account that exceed 100 ~~50~~ percent of the applicable expenditure ceiling shall, within 24 hours of exceeding 100 ~~50~~ percent of the applicable expenditure ceiling, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Within 24 hours after receiving such notice, the Ethics Commission shall inform every other candidate for that office by registered mail, return receipt requested, that the expenditure ceiling ~~campaign~~ ceiling has been lifted.

(c) Any independent expenditure committee that spends in support of or in opposition to a candidate more than 25 percent of the applicable expenditure ceiling shall, within 24 hours of reaching this threshold, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Thereafter, any such committee shall file a supplemental statement with the Ethics Commission each time the independent expenditure committee spends in support

of or in opposition to such candidate an additional ~~5~~ five percent of the applicable expenditure ceiling. The supplemental statements shall be filed within 24 hours of reaching these spending thresholds.

**SEC. 1.136. PUBLIC FINANCING OF ELECTION CAMPAIGNS.** Candidates for the Board of Supervisors who are certified by the Ethics Commission as eligible to receive public financing of their election campaigns, and who comply with the conditions and restrictions specified in Section 1.140 of this Chapter, may receive public funds as provided in this Chapter to defray the costs of their election campaigns.

**SEC. 1.138. ELECTION CAMPAIGN FUND; APPROPRIATION OF FUNDS.**

(a) ESTABLISHMENT of ELECTION CAMPAIGN fund. There is hereby established a special fund of the City and County of San Francisco called the Election Campaign Fund. All money deposited in the Fund is hereby appropriated for use as specified in this Chapter and the implementing regulations.

(b) APPROPRIATION TO ELECTION CAMPAIGN FUND. Each fiscal year the City and County of San Francisco shall appropriate to the Election Campaign Fund an amount sufficient to provide funding for election campaigns as authorized by this Chapter for all candidates for the Board of Supervisors who may be eligible to receive such funds. The Ethics Commission shall assist the Mayor and Board of Supervisors in estimating the amount required. If at any time the amount appropriated is insufficient to fund all eligible candidates, the Ethics Commission shall notify the Mayor and Board of Supervisors, and the City and County shall appropriate additional funds. The Ethics Commission shall assist the Mayor and Board of Supervisors in estimating any additional funds required.

(c) APPROPRIATION TO ETHICS COMMISSION. Each fiscal year the City and County of San Francisco shall appropriate to the Ethics Commission an amount sufficient to pay for the costs of administration of the public financing program. This appropriation shall be in addition to and separate from the regular annual appropriation made to the Ethics Commission. The Ethics Commission shall assist the Mayor and Board of Supervisors in estimating the amount required.

(d) LIMITATION ON EXPENDITURE OF FUNDS. The annual appropriation to this public financing program, including the cost of administration, shall not exceed \$2.00 per resident of the City and County of San Francisco. At the request of the Ethics Commission, the Controller shall estimate the number of residents of the City and County of San Francisco

for purposes of this subsection.

**SEC. 1.140. ELIGIBILITY TO RECEIVE PUBLIC FINANCING.**

(a) REQUIREMENTS. To be eligible to receive public financing of campaign expenses under this Chapter, a candidate must:

(1) be seeking election to the Board of Supervisors and be eligible to hold the office sought;

(2) have received at least \$7,500 in qualifying contributions from at least 75 contributors. Candidates who are attempting to qualify for public financing are permitted to solicit contributions up to the limits imposed by Section 1.144(a) of this Chapter, but only the first \$100 will be counted as a qualifying contribution;

(3) be opposed by another candidate who has either established eligibility to receive public financing, or received contributions or made expenditures which in the aggregate equal or exceed \$7,500;

(4) agree to the following conditions:

(A) the candidate bears the burden of proving that each contribution the candidate relies upon to establish eligibility is a qualifying contribution;

(B) the candidate bears the burden of proving that expenditures made with public funds provided under this Chapter comply with Section 1.148 of this Chapter;

(C) the candidate shall not make qualified campaign expenditures which in the aggregate exceed the expenditure limits specified in Section 1.130(d) of this Chapter, except as provided in Section 1.146 of this Chapter; and

(D) the candidate shall agree to participate in at least one debate with the candidate's opponents.

(b) ADJUSTMENT OF EXPENDITURE LIMITS AND THRESHOLDS. Whenever the Ethics Commission pursuant to Section 1.130(f) adjusts the voluntary expenditure ceilings to reflect changes in the California Consumer Price Index, the Commission is authorized to adjust the threshold limits in subsections (a)(2), (a)(3) and (a)(4)(C) of this Section, and subsections (a)(1) and (a)(2) of Section 1.152, to also reflect changes in the California Consumer Price Index.

**SEC. 1.142. PROCESS FOR ESTABLISHING ELIGIBILITY; CERTIFICATION BY THE ETHICS COMMISSION.**

(a) DECLARATION BY CANDIDATE. To be eligible to receive public financing of campaign expenses under this Chapter, a candidate shall declare, under penalty of perjury, that the candidate satisfies the requirements specified in Section 1.140. Candidates shall submit the dec-

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laration and any supporting material required by the Ethics Commission to the Ethics Commission on or after June 1 of the election year, but no later than the deadline for filing nomination papers with the Director of Elections. Once the declaration and supporting material are submitted, they may not be amended. The declaration and supporting material may be withdrawn and refiled, provided that the refiling is made no later than the deadline for filing nomination papers.

**(b) DETERMINATION OF ELIGIBILITY.** The Executive Director of the Ethics Commission shall review the candidate's declaration and supporting material to determine whether the candidate is eligible to receive public funds under this Chapter. The Executive Director may audit the candidate's records, interview contributors and take whatever steps the Executive Director deems necessary to determine eligibility. At the request of the Executive Director, the Controller shall assist in this review process.

**(c) Determination of Opposition.** To determine whether a candidate is opposed as required under Section 1.140(a)(3) of this Chapter, the Executive Director shall review the material filed pursuant to Section 1.152(a) of this Chapter, and may review any other material.

**(d) CERTIFICATION.** If the Executive Director determines that a candidate has satisfied the requirements of Section 1.140, the Executive Director shall notify the candidate and certify to the Controller that the candidate is eligible to receive public financing under this Chapter. The Executive Director shall not certify that a candidate is eligible to receive public financing if the candidate's declaration or supporting material is incomplete or otherwise inadequate to establish eligibility. The Executive Director shall determine whether to certify a candidate no later than 30 days after the date the candidate submits his or her candidate declaration and supporting material.

**(e) RESUBMISSION.** If the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall notify the candidate. Notwithstanding Section 1.142(a) of this Chapter, the candidate may, within five business days of the date of notification, resubmit the declaration and supporting material. If the candidate does not timely resubmit, the Executive Director's determination is final.

If, after viewing resubmitted material, the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall notify the candidate of this fact. Additional resubmissions may be permitted in the Executive Director's discretion. If the candidate fails to resubmit in the time specified by the

Executive Director, or if no further resubmissions are permitted, the Executive Director's determination is final.

**(f) RECONSIDERATION.** A candidate may request that the Executive Director reconsider a final determination that the candidate is ineligible to receive public funds under this Chapter. The candidate must request reconsideration in writing within five days of the date of notification of ineligibility.

**(g) APPEAL TO THE ETHICS COMMISSION.** If, after reconsideration, the Executive Director declines to certify that a candidate is eligible to receive public financing under this Chapter, the candidate may appeal the Executive Director's final determination to the Ethics Commission. The candidate must deliver the written appeal to the Ethics Commission within five days of the date of notification of the Executive Director's determination following reconsideration.

**SEC. 1.144. DISBURSEMENT OF PUBLIC FUNDS.** **(a) PAYMENT BY CONTROLLER.** Upon certifying that a candidate is eligible to receive public financing under this Chapter, the Executive Director shall forward the certification to the Controller and the Controller shall disburse payments to the candidate from the Election Campaign Fund in accordance with the certification and this Section.

**(b) TIME OF PAYMENTS.** The Controller shall not make any payments under this Chapter until the day following the deadline for filing nomination papers with the Director of Elections.

**(c) PAYMENTS FOR GENERAL ELECTION EXPENSES.** Upon certification of eligibility, and in accordance with subsection (b) of this Section, the candidate shall receive a payment of \$5,000 from the Election Campaign Fund. Thereafter, for each of the first \$5,000 dollars of matching contributions raised by the candidate, the candidate shall receive four dollars from the Election Campaign Fund. Thereafter, for each additional dollar of matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund. The maximum amount of public funds a candidate may receive to defray general election expenses under this Chapter is \$43,750. The amount of public funds paid under this Section shall not be affected by the lifting of expenditure limits under Section 1.146.

**(d) PAYMENTS FOR RUN-OFF ELECTION EXPENSES.** Each candidate who is certified to receive public funds under this Chapter and who qualifies for a run-off election shall receive a payment of \$5,000 from the Election Campaign Fund. Thereafter, for each dollar of matching contributions raised by the candidate, the candidate shall receive four dollars from the

Election Campaign Fund. The maximum amount of public funds such candidates may receive to defray run-off election expenses under this Chapter is \$17,000. The amount of public funds paid under this Section shall not be affected by the lifting of expenditure limits under Section 1.146.

**(e) PRORATION OF FUNDS.** Notwithstanding subsections (c) and (d) of this Section, if the Ethics Commission makes a final determination, pursuant to Section 1.154(b) of this Chapter, that funds in the Election Campaign Fund are insufficient, the Commission shall distribute the money in the Fund on a pro rata basis to all candidates who are certified as eligible to receive public funds.

**(f) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT.** Candidates must deposit all payments received from the Election Campaign Fund in the candidate's Campaign Contribution Trust Account.

**(g) TERMINATION OF PAYMENTS.** The Controller shall terminate all payments to a candidate who is otherwise eligible to receive public financing if the candidate:

(1) withdraws or fails to qualify to have his or her name printed on the ballot for the election for which the candidate applied for public financing;

(2) fails to comply with the conditions specified in Section 1.140 of this Chapter; or

(3) fails to comply with any of the reporting requirements imposed by this Chapter or the Political Reform Act, California Government Code Section 81000, et seq.

**SEC. 1.146. EXPENDITURE CEILINGS LIFTED — CANDIDATES FOR SUPERVISOR.** **(a) TRIGGER PROVISIONS.**

**(1) Nonparticipating candidate.** If a candidate who has not filed a declaration under Section 1.142(a) of this Chapter, or who has received notice under Section 1.142 that the candidate is ineligible to receive public funds, receives contributions or makes qualified campaign expenditures in excess of 100 percent of the applicable expenditure ceiling, the applicable expenditure ceiling shall no longer be binding on any candidate running in the same supervisorial district.

**(2) Independent Expenditures.** If a committee or committees in the aggregate make independent expenditures in support of or in opposition to a candidate in excess of 100 percent of the applicable expenditure ceiling, the applicable expenditure ceiling shall no longer be binding on any candidate running in the same supervisorial district as the candidate who was the subject of the independent expenditures that exceeded the ceiling.

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## LEGAL TEXT OF PROPOSITION O (CONTINUED)

(b) NOTIFICATION. Within 24 hours of receiving notice, pursuant to Section 1.152 of this Chapter, that either of the trigger provisions in subsection (a) of this Section have been met, the Ethics Commission shall inform every candidate in the affected supervisorial district by certified mail that the expenditure ceilings have been lifted.

### SEC. 1.148. RESTRICTIONS ON USE OF PUBLIC FUNDS; SURPLUS FUNDS.

(a) USE FOR QUALIFIED CAMPAIGN EXPENDITURES ONLY. Candidates who receive public financing may use the public funds solely to pay for qualified campaign expenditures, as defined by Section 1.104 of this Chapter, and to repay loans used to pay for qualified campaign expenditures. Candidates may not use public funds to pay for expenses incurred in connection with an administrative or judicial proceeding. Candidates may not use public funds to pay administrative, civil or criminal fines, including late filing fines, or to pay for inaugural activities or officeholder expenses.

(b) PURCHASE OF EQUIPMENT. Any equipment purchased by a candidate with public funds provided under this Chapter that has a useful life beyond the election campaign for which the funds were provided, and a fair market value exceeding \$100, becomes City and County property on the day following the date the candidate is elected or not elected to office.

(c) WITHDRAWAL OR FAILURE TO QUALIFY. Any candidate who receives public financing but who withdraws or fails to qualify to have his or her name printed on the ballot in the election for which the public funds were provided shall repay the Election Campaign Fund the full sum received from the Fund.

(d) SURPLUS FUNDS. Any candidate who receives public financing and who has surplus funds shall, no later than 30 days after the date the funds become surplus, deposit those funds in the Election Campaign Fund.

SEC. 1.150. AUDIT; REPAYMENT. (a) AUDIT. The Ethics Commission shall audit all candidates who receive public financing under this Chapter. At the request of the Executive Director, the Controller shall assist in conducting these audits.

(b) REPAYMENT. If the Ethics Commission determines that any portion of the payments made to a candidate from the Election Campaign Fund exceeded the aggregate amount of payments to which the candidate was entitled under this Chapter, the Commission shall notify the Controller and the candidate. The candidate shall pay to the Controller an amount equal to the amount of excess payments. In addition, if the Commission determines that any amount of any

payment made to a candidate from the Election Campaign Fund was used for something other than qualified campaign expenditures, the candidate shall pay to the Controller an amount equal to the improper expenditure. All payments received by the Controller under this Section shall be deposited in the Election Campaign Fund.

### SEC. 1.152. SUPPLEMENTAL REPORTING.

In addition to the campaign disclosure requirements imposed by the California Political Reform Act and other provisions of this Chapter, the following disclosure requirements shall apply:

#### (a) REPORTING BY CANDIDATES WHO DO NOT RECEIVE PUBLIC FUNDS.

(1) GENERAL. No later than the deadline for filing nomination papers with the Director of Elections, each candidate who has not filed a declaration under Section 1.142(a) of this Chapter or who has received notice under Section 1.142 that the candidate is ineligible to receive public funds under this Chapter shall file a statement with the Ethics Commission indicating whether the nonparticipating candidate has received contributions, made expenditures or has funds in his or her campaign trust account that in the aggregate equal or exceed \$7,500. The statement shall also indicate whether the nonparticipating candidate agrees to limit his or her qualified campaign expenditures to the expenditure ceilings as provided in Section 1.128.

(2) AFTER DEADLINE. If the nonparticipating candidate first reaches or exceeds the \$7,500 threshold in subsection (a)(1) of this Section after the deadline for filing nomination papers, or receives notice of ineligibility to receive public funds after that date, the nonparticipating candidate shall, within 24 hours of reaching or exceeding the threshold or receiving notice of ineligibility, file a statement indicating this fact with the Ethics Commission.

(3) TRIGGER REPORTING. If the nonparticipating candidate receives contributions, makes expenditures or has funds in his or her campaign trust account that exceed 75 percent of the applicable expenditure ceiling, the nonparticipating candidate shall, within 24 hours of reaching that level, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Thereafter, the nonparticipating candidate shall file a supplemental statement with the Ethics Commission within 24 hours of receiving contributions or making expenditures or having funds in his trust account that equal or exceed 100 percent of the applicable expenditure ceiling.

(b) SUPPLEMENTAL REPORTING BY COMMITTEES. (1) GENERAL. Except as

provided in Section 81009.5(b) of the California Government Code, any committee that makes contributions or independent expenditures totaling \$500 or more in a calendar month during the six months immediately preceding an election, to support or oppose a candidate for City elective office at that election, shall disclose, prior to the date of the election, all contributions and loans received and all expenditures made. The Ethics Commission shall prescribe the form, content and filing deadlines for these statements. The Ethics Commission may require that these statements be filed electronically.

(2) TRIGGER REPORTING. Except as provided in Section 81009.5(b) of the California Government Code, any committee that makes independent expenditures in support of or in opposition to a candidate that equal or exceed five percent of the applicable expenditure ceiling shall, within 24 hours of reaching this threshold, file a statement with the Ethics Commission, on forms to be provided by the Ethics Commission, stating that fact and any additional information required by the Ethics Commission. Thereafter, any such committee shall file a supplemental statement with the Ethics Commission each time the committee makes independent expenditures in support of or in opposition to the candidate which equal or exceed an additional five percent of the applicable expenditure ceiling. The supplemental statements shall be filed within 24 hours of reaching these spending thresholds.

### SEC. 1.154. INSUFFICIENT FUNDS IN ELECTION CAMPAIGN FUND.

(a) REPORT BY CONTROLLER. At the request of the Ethics Commission, the Controller shall provide a statement of the total amount of funds in the Election Campaign Fund.

(b) FINAL DETERMINATION. No later than 15 days after the deadline for filing nomination papers with the Department of Elections, the Ethics Commission shall make a final determination whether the amount in the Election Campaign Fund is sufficient to fund all candidates for the Board of Supervisors who may be eligible to receive public financing for their election campaigns under this Chapter. If the Commission's final determination is that the amount in the Fund is insufficient, the Commission shall distribute the money in the Fund on a pro rata basis to all candidates who are certified as eligible to receive public funds.

SEC. 1.156. REPORT TO THE MAYOR AND BOARD OF SUPERVISORS. Following each election at which members of the Board of Supervisors are elected, the Ethics

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## LEGAL TEXT OF PROPOSITION O (CONTINUED)

Commission shall submit a report to the Mayor and Board of Supervisors. The report shall state the amount of public funds used to pay for election campaigns in that election and such other information as the Ethics Commission deems useful, including the number of candidates who received public funds; the number of nonparticipating candidates; the amount of qualified campaign expenditures made by all candidates in that election; and the amount of independent expenditures made in connection with the election.

**SEC. 1.158. IMPLEMENTING REGULATIONS: FORMS.** Pursuant to Charter Section 15.102, the Ethics Commission shall adopt regulations to implement this Chapter. The Ethics Commission shall also specify the form and content of all forms and statements required to be filed under this Chapter.

**SEC. 1.160. NO LIMITATION OF CANDIDATE LIABILITY.** Nothing in this Chapter shall operate to limit the candidate's liability for, nor the candidate's ability to pay, any fines or other payments imposed pursuant to administrative or judicial proceedings.

**SEC. 1.136. 1.162. INDEPENDENT EXPENDITURES FOR MASS MAILINGS, SLATE MAILINGS OR OTHER CAMPAIGN LITERATURE.** Any person who makes independent expenditures for a mass mailing, slate mailing or other campaign materials which support or oppose any candidate for City elective office shall place the following statement on the mailing or materials in type-face no smaller than 14 points:

Notice to Voters  
(Required by City and County of  
San Francisco)

This mailing is not authorized or approved  
by any candidate for City and County office  
or by any election official.

It is paid for by  
(name and committee identification  
number).

(address, city, state).

Total cost of this mailing is (amount)

**SEC. 1.438 1.164. DUTIES OF ETHICS COMMISSION.** In addition to other duties required under the Charter and the terms of this Chapter, the Ethics Commission shall:

(a) Prepare and publish written instructions explaining the duties of persons, candidates and committees under this Chapter.

(b) Determine whether required statements and declarations have been filed with the Ethics Commission, and, if so, whether they conform on their face with the requirements of this Chapter.

(c) Notify promptly all persons, candidates

and committees known to the Ethics Commission who have failed to file a statement in the form and at the time required by Section 1.106 hereof.

(d) Report apparent violations of this Chapter to the District Attorney.

(e) Compile and maintain a current list of all statements or parts of statements filed with the Ethics Commission pertaining to each candidate and each measure.

(f) Cooperate with the District Attorney in the performance of the duties of the District Attorney as they are related to this Chapter.

(g) Enforce or cause to be enforced the provisions of this Chapter.

(h) Prepare and publish adequate procedures to notify all persons, candidates and committees in advance relative to filing dates and forms required by Section 1.106 hereof.

**SEC. 1.140. 1.166. DUTIES OF ENFORCEMENT AUTHORITY.** In addition to the other duties required of him or her under the provisions of this Chapter, the enforcement authority for civil enforcement shall review such campaign statements filed with the Ethics Commission as the Commission shall refer to him or her for legal compliance with the provisions of this Chapter.

**SEC. 1.142. 1.168. ENFORCEMENT: ADVICE. DISTRICT ATTORNEY COMPLAINTS, LEGAL ACTION, INVESTIGATORY POWERS, CITY ATTORNEY ADVICE.**

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

(b) **ENFORCEMENT - CIVIL ACTIONS.** The City Attorney, or any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of this Chapter. No civil action alleging a violation of the provisions of this Chapter shall be filed more than four years after the date the cause of action accrued or the date that the facts constituting the cause of action were discovered by the civil prosecutor, whichever is later.

No voter may commence an action under this subsection without first providing written notice to the City Attorney of intent to commence an action. The notice shall include a statement of the grounds for believing a cause of action exists. The voter shall deliver the

notice to the City Attorney at least sixty days in advance of filing an action. No voter may commence an action under this subsection if the Ethics Commission has issued a finding of probable cause that the defendant violated the provisions of this Chapter, or if the City Attorney or District Attorney has commenced a civil or criminal action against the defendant, or if another voter has filed a civil action against the defendant under this subsection.

A Court may award reasonable attorney's fees and costs to any voter who obtains injunctive relief under this subsection. If the Court finds that an action brought by a voter under this subsection is frivolous, the Court may award the defendant reasonable attorney's fees and costs.

(c) Any person who believes that a violation of any portion of this Chapter has occurred may file a complaint with the District Attorney. If the District Attorney determines that there is reason to believe a violation of this Chapter has occurred, he or she shall make an investigation. Whenever the District Attorney has reason to believe a willful violation of this Chapter has occurred or is about to occur, he or she may institute such legal action at such time as he or she deems necessary to prevent further violations.

(b) The District Attorney shall have such investigative powers as are necessary for the performance of the duties prescribed in this Chapter and may demand, and be furnished, records of campaign contributions and expenses at any time.

(c) **ADVICE.** Any person may request advice from the Ethics Commission or City Attorney with respect to any provision of this Chapter. The Ethics Commission shall provide advice pursuant to Charter Section C3.699-12. Any person may request the City Attorney for advice with respect to any provision of this Chapter. The City Attorney shall within 14 days of the receipt of said written request provide the advice in writing or advise the person who made the request that no opinion will be issued. The City Attorney shall send a copy of said request to the District Attorney upon its receipt. (4) The City Attorney shall within nine days from the date of the receipt of said written request send a copy of his or her proposed opinion to the District Attorney. The District Attorney shall within four days inform the City Attorney whether he or she agrees with said advice, or state the basis for his or her disagreement with the proposed advice.

(e) No person other than the City Attorney who acts in good faith on the advice of the City Attorney shall be subject to criminal or civil penalties for so acting; provided that, the mate-

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## LEGAL TEXT OF PROPOSITION O (CONTINUED)

rial facts are stated in the request for advice and the acts complained of were committed either in reliance on the advice or because of the failure of the City Attorney to provide advice within 14 days of the request or such later extended time.

**SEC. 4.144, 1.170, PENALTIES.** (a) GENERAL PROVISIONS — CRIMINAL. Any person who knowingly or willfully violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment in the County jail for a period of not more than six months or by both such fine and imprisonment; provided, however, that any willful or knowing failure to report contributions or expenditures done with intent to mislead or deceive or any willful or knowing violation of the provisions of Section 1.114 or ~~Section 1.118~~ of this Chapter shall be punishable by a fine of not less than \$500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 or ~~Section 1.118~~ of this Chapter, or three times the amount expended in excess of the amount allowable pursuant to Section 1.130, whichever is greater.

(b) GENERAL PROVISIONS - CIVIL. Any person who intentionally or negligently violates any of the reporting requirements or contribution or expenditure limitations set forth in this Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to \$500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 or ~~Section 1.118~~, or three times the amount expended in excess of the amount allowable pursuant to Section 1.130, whichever is greater.

(c) MISUSE OF PUBLIC FUNDS. Any person who willfully or knowingly uses public funds, paid pursuant to this Chapter, for any purpose other than the purposes authorized by this Chapter shall be guilty of a misdemeanor and punishable by a fine of not less than \$500, or an amount not more than \$5,000 or the amount three times the amount improperly spent, whichever is greater, or by imprisonment in the County jail for a period of not more than six months, or by both such fine and imprisonment. Any person who willfully, knowingly or negligently uses public funds for any purpose other than the purposes authorized by this Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to \$5,000 or an amount of three times the amount improperly spent, whichever is greater.

(d) PROVISION OF FALSE OR MISLEADING INFORMATION TO THE ETHICS COMMISSION; WITHHOLDING OF INFORMATION. Any person who knowingly or willfully furnishes false or fraudulent evi-

dence, documents, or information to the Ethics Commission under this Chapter, or misrepresents any material fact, or conceals any evidence, documents, or information relevant to certification of eligibility for public financing or to an audit, or fails to furnish to the Ethics Commission any records, documents, or other information required to be provided under this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of up to \$5,000, or by imprisonment in the County jail for a period of not more than six months, or by both such fine and imprisonment.

(e) DEPOSIT IN THE ELECTION CAMPAIGN FUND. All fines paid pursuant to subsections (c) or (d) of this Section are to be deposited in the Election Campaign Fund of the City and County of San Francisco.

**SEC. 4.146, 1.172, EFFECT OF VIOLATION ON OUTCOME OF ELECTION.** If a candidate is convicted of a violation of this Chapter at any time prior to his or her election his or her candidacy shall be terminated immediately and he or she shall be no longer eligible for election, unless the court at the time of sentencing specifically determines that this provision shall not be applicable.

No person convicted of a misdemeanor under this Chapter after his or her election shall be a candidate for any other City and County office for a period of five years following the date of the conviction unless the court shall at the time of sentencing specifically determine that this provision shall not be applicable.

A plea of nolo contendere shall be deemed a conviction for purposes of this Section.

**SEC. 4.148, 1.174, EFFECT OF VIOLATION ON CERTIFICATION OF ELECTION RESULTS.** The Director of Elections shall not issue any certificate of nomination or election to any candidate until his or her campaign statements required in Section 1.106 have been filed.

**SEC. 4.150, 1.176, RULES OF CONSTRUCTION.** This Chapter shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this Chapter which does not directly affect the jurisdiction of the Board of Supervisors or the City and County to control campaign contributions shall avoid the effect of this Chapter.

**SEC. 4.152, 1.178, SEVERABILITY.** If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Chapter and the applicability of such provisions to other persons and circumstances shall not be affected thereby.