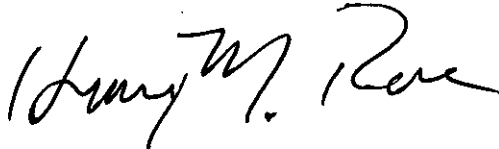


**CITY AND COUNTY OF SAN FRANCISCO  
BOARD OF SUPERVISORS  
BUDGET AND LEGISLATIVE ANALYST**

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**LEGISLATIVE ANALYST REPORT**

**To:** Supervisor Campos  
**From:** Budget and Legislative Analyst   
**Date:** March 29, 2012  
**Re:** Comparison of City and County of San Francisco and City of Los Angeles Ethics Laws (Project 120152.1)

**SUMMARY OF REQUESTED ACTION**

Pursuant to your request, the Budget and Legislative Analyst has conducted a review to compare and contrast San Francisco's ethics laws, policies, and enforcement with those in the City of Los Angeles. Your office specifically requested that we examine three areas of policy and enforcement: (1) campaign financing; (2) enforcement and education; and (3) lobbying. We were also asked to consult the 2009 Center for Governmental Studies report *Loopholes, Tricks and End Runs: Evasions of Campaign Finance Laws, and a Model Law to Block Them*.

**EXECUTIVE SUMMARY**

The Budget and Legislative Analyst was asked to contrast San Francisco's ethics policies and enforcement with those in the City of Los Angeles. Both locales have enacted laws that exceed State provisions on campaign finance, campaign enforcement and education, and lobbying. Although there are differences in the cities' policies and enforcement practices, we found that neither San Francisco nor the City of Los Angeles is uniformly more or less stringent than the other. However, contrasting the cities' policies does provide an opportunity for the City of San Francisco to consider alternate policies and approaches to influencing campaign financing, enforcing laws, educating the public, and managing lobbying practices. Specifically, the review of City of Los Angeles ethics laws reveals the following policy options that the Board of Supervisors could consider for San Francisco's ethics laws:

- Increasing the period during which contractors, subcontractors, etc. may not contribute to political campaigns from six months to twelve months.
- Explicitly prohibiting any political contributions from registered lobbyists.
- Increasing the frequency with which candidates must report contributions and spending.
- Lowering the expenditure limit for mayoral candidates.

- Changes to personal contribution limits to possibly offset the influence of unregulated independent expenditures on City elections.

The report that follows is a brief discussion of key differences between the two cities' ethics laws, policies and enforcement. The Appendix to this memorandum provides a more detailed comparison of San Francisco and City of Los Angeles pertinent ethics laws and regulations.

## Overview

The City of Los Angeles' voters created their city's Ethics Commission in 1990 to help improve the quality and integrity of the City's elective process and promote transparency in government. San Francisco voters followed in 1993, with the creation of San Francisco's first Ethics Commission. Both cities' Ethics Commissions are tasked with educating on and enforcing ethics laws, particularly as they pertain to local elections, lobbying, and other areas where economic interests may intersect with policymaking and public administration. Both Ethics Commissions provide training to their respective cities' employees, and maintain whistleblowing hotlines.

The City of Los Angeles Ethics Commission's work is directed, in large part, by: Los Angeles Charter and Administrative Code, Sections IV (Elections) and Section VII (City Ethics Commission; Special Prosecutor); Los Angeles Administrative Code Section 24.1.12 (Investigations and Enforcement), and the Municipal Lobbying Ordinance, Los Angeles Municipal Code Section 48.01.

San Francisco's Ethics Commission work is directed by the San Francisco Campaign and Governmental Conduct Code, Article I (Election Campaigns), Article II (Lobbying), and Article III (Conduct of Government Officials and Employees).

## Campaign Financing

There are three main components to campaign financing: (1) contribution restrictions; (2) fundraising and expenditure limits; and (3) public financing. Neither San Francisco nor the City of Los Angeles was uniformly more or less stringent than the other with regard to campaign financing. However, areas where the City of Los Angeles has stronger regulations in place in the area of campaign financing include:

- Lobbyists are expressly prohibited from contributing to political campaigns in Los Angeles; San Francisco lobbyists must report contributions and adhere to all other contribution restrictions and requirements.
- Contractors, including their principals and subcontractors, cannot make a contribution to a candidate who sits on a City body that will be considering or approved their contract within a 12 month period; San Francisco only restricts such contributions for a six month period.<sup>1</sup>
- Candidates in Los Angeles have up to eight filing deadlines for pre-election statements for the approximately 14-month period preceding, and including, the primary election, plus four deadlines for filing pre-election statements for the approximately 10-week period preceding and including the general election. In San Francisco, there are only four reporting deadlines covering the approximately 11-month period preceding and including the general election.

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<sup>1</sup> We note, however, that the trigger for this restriction is a contract of \$50,000 or more in San Francisco, as opposed to a contract of \$100,000 or more in the City of Los Angeles.

- Cash contributions are limited to \$25 in Los Angeles; in San Francisco cash contributions of up to \$100 are allowed. However, any cash contribution in San Francisco must be accompanied by documentation on the contributor.

On the other hand, San Francisco law prohibits campaign contributions from corporations, while such a prohibition is not in the City of Los Angeles Charter and Administrative Code. Furthermore, the City of Los Angeles places dollar limits on contributions from PACs, whereas San Francisco does not allow PACs to contribute to candidates. Some other points of difference between the two cities include:

**Contribution Limits.** The City of Los Angeles permits greater annual individual contribution amounts than San Francisco. These limits were further increased in March 2012, when the City of Los Angeles Ethics Commission increased contribution limits for two reasons: (1) adjustments to contribution limits had not been made since 1985; and (2) the City of Los Angeles Ethics Commission saw increased personal contributions as a way to balance out increases in spending by Independent Expenditure (IE) Committees.<sup>2</sup> A comparison of these limits is shown in Table 1.

**Table 1. Comparison of Annual Individual Contribution Limits**

<b>Candidate</b>	<b>San Francisco</b>	<b>City of Los Angeles</b>
District elections: Board of Supervisors/City Council	\$500	\$700
Citywide elections: City Attorney, Controller, & Mayor	\$500	\$1,300

**Fundraising Caps.** Another key difference between San Francisco and the City of Los Angeles is that Los Angeles permits a voluntary spending cap for City Council and mayoral candidates, whereas in San Francisco, spending caps are mandatory for Board of Supervisor and mayoral candidates. Table 2, below, compares these spending caps. While the City of Los Angeles has high spending caps for non-mayoral contests, San Francisco's mayoral spending cap is more than 20 percent greater than that of the City of Los Angeles, even though the population of the City of Los Angeles is approximately 4.5 times larger than San Francisco.

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<sup>2</sup> The San Francisco Ethics Commission defines an Independent Expenditure Committee as "an individual or entity that makes one or more independent expenditures totaling \$1,000 or more in a calendar year to support or oppose candidates, measures, or the qualification of measures."

**Table 2. Comparison of Spending Caps**

<b>Candidate</b>	<b>San Francisco</b>	<b>City of Los Angeles</b>
District elections: Board of Supervisors/ City Council	\$143,000	\$202,300
Citywide elections: City Attorney & Controller	\$243,000	\$539,400
Citywide elections: Mayor	\$1,475,000	\$1,213,800

The consequences for a candidate exceeding the spending cap are more severe in Los Angeles, although the Los Angeles policy may soon change. In San Francisco, when one candidate exceeds the spending limits, those limits are no longer binding on the other candidates in that race. In Los Angeles, under the current laws, when one candidate exceeds the spending limits, not only are the caps no longer binding, but the other candidates are eligible to receive matching funds at a rate of three to one, up to the maximum. However, as a result of a recent Supreme Court ruling in *Arizona Free Enterprise Club v. Bennett*, the constitutionality of City of Los Angeles's trigger is in question, and their Ethics Commission is revisiting this law in an April 5, 2012 hearing.

**Disclosures.** Both cities set a higher bar for disclosure than the State of California. San Francisco is particularly explicit with regard to the type of elector contact that requires a disclosure, and the specificity with which a campaign entity must identify itself.<sup>3</sup>

**Other Areas.** In other areas of campaign financing reviewed by the Budget and Legislative Analyst, the City of Los Angeles' policies were reasonably proximate to San Francisco's. Further research could be done on laws governing loans that a candidate may make into their own campaign, although that was not a question posed for this analysis. Additional research could also be done on actual expenditures of matching funds from the respective cities' General Funds.

### **Enforcement and Education**

The Ethics Commissions of San Francisco and City of Los Angeles rely heavily on their websites to publicize enforcement efforts and provide outreach and education. The bulk of this information is geared toward the regulated community—candidates, their staffs and consultants, PACs, etc.

**Outreach and Education.** While both cities' Ethics Commissions provide information to potential contributors via their respective websites, only the City of Los Angeles publishes a contributor guide, which contains contributor-specific information. The guide is only available online. San Francisco only has guides for candidates and their campaign committees.

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<sup>3</sup> The Budget and Legislative Analyst notes that the Board of Supervisors may want to revisit the quantity that triggers disclaimers on recorded telephone messages. Currently, only messages to 500 voters or more require a disclaimer. However, in light of some recent narrow races, and in recognition of improvements in the ability to micro-target potential voters, the Board may want to consider reducing that quantity.

With regard to educating the public about enforcement issues, both Ethics Commissions make use of web pages, press releases, and links to Ethics Commission meeting information. San Francisco's Ethics Commission also makes use of RSS, Twitter, and Facebook in order to distribute information.<sup>4</sup>

**Subpoenas and Audits, Prosecutorial Discretion, and Disclosure on Investigatory Files.** The two cities' Ethics Commissions have similar policies and practices in these areas. Both cities' Ethics Commissions have subpoena power and conduct audits, and both reported infrequent use of subpoena power due to their ability to procure necessary information through the audit process or other, less formal means. Both cities' Ethics Commissions will share information with the City Attorney (and District Attorney in San Francisco); the Ethics Commissions will retain cases limited to misdemeanors and will collaborate with prosecutors when criminal offenses are believed to have occurred. The two cities' Ethics Commissions also treat investigations as confidential. Only complaints that are found to have merit are made public. The websites for the two ethics commissions list these public cases.

**Other Areas.** If a candidate is convicted of a misdemeanor that is found to have had a material impact on the election outcome, both City of Los Angeles and San Francisco laws disqualify that candidate from participating in the subject election. Only the City of Los Angeles's code,<sup>5</sup> however, explicitly prescribes the removal of that individual from office should the conviction take place after the individual has assumed office.

In addition, a cursory review of stipulated settlements and decisions and orders<sup>6</sup> suggests that the City of Los Angeles Ethics Commission may be imposing fines for campaign violations that are far in excess of those levied in San Francisco.<sup>7</sup> Additional research could be done to explain that apparent difference.

## Lobbying

San Francisco's regulation of lobbying is at once simpler and more restrictive than that of the City of Los Angeles. San Francisco's definition of a lobbyist is more straightforward than City of Los Angeles' definition: one sentence versus two paragraphs, respectively.<sup>8</sup> In San Francisco, an individual must receive or be promised \$3,000 or more for lobbying services over three consecutive months in order to require registration as a lobbyist; in the City of Los Angeles, an individual must be compensated for providing 30 or more hours of lobbying services over a consecutive three month period in order to require registration as a lobbyist. However, San Francisco's laws are more restrictive and more punitive in the case of violations, which are treated as civil actions in both cities.

Areas in which San Francisco's lobbying laws and regulations are more stringent include: lobbyists must report monthly, as opposed to quarterly in Los Angeles; San Francisco lobbyists must complete a training with the San Francisco Ethics Commission; late filing fees are \$50 per day in San Francisco, versus \$25

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<sup>4</sup> As of the writing of this report, the San Francisco Ethics Commission had 258 Facebook "Likes" and 516 Twitter followers.

<sup>5</sup> Section 470.p.1.C of the City of Los Angeles Charter and Administrative Code.

<sup>6</sup> Stipulated Settlements and Decisions and Orders since 1993 are available online at [http://ethics.lacity.org/enforcement/enf\\_stips.cfm](http://ethics.lacity.org/enforcement/enf_stips.cfm)

<sup>7</sup> San Francisco's Enforcement Summaries are available online at <http://www.sfethics.org/ethics/2009/05/enforcement.html>

<sup>8</sup> See Section 3.a in the Appendix for a direct comparison between the two definitions.

per day in Los Angeles; the maximum penalty for code violations is the greater of \$5,000 or three times the value of an illicit gift in San Francisco, whereas in the City of Los Angeles the maximum penalty is the greater of \$2,000 or the amount equal to an illicit gift. Both cities' Ethics Commissions report aggregate lobbying data on their websites.

### **Center for Governmental Studies Report**

The 2009 Center for Governmental Studies report *Loopholes, Tricks and End Runs: Evasions of Campaign Finance Laws, and a Model Law to Block Them* exposed local-level weaknesses in the State of California's campaign finance laws, and proposed legislation to close those loopholes. The report examined ways that politicians evaded campaign finance laws to pursue larger-than-otherwise-permissible contributions. The report's proposed solutions include requiring more complete disclosures from contributors and candidates alike. A number of these policy solutions have already been codified in San Francisco and the City of Los Angeles, including the requirement that donations only be used for their stated political purpose; that contributions be accompanied by disclosures; and that political communications include funding disclosures.

### **Conclusion**

Through closing State loopholes and developing local programs and practices, San Francisco's and Los Angeles' Ethics Commissions have taken steps to curb the influence of money in elections. Although there are differences in the cities' policies and enforcement practices, we found that neither San Francisco nor the City of Los Angeles is uniformly more or less stringent than the other. However, contrasting the cities' policies does provide an opportunity for the City of San Francisco to consider alternate approaches to influencing campaign financing, enforcing laws, educating the public, and managing lobbying practices. Examples of areas where San Francisco could strengthen its laws and policies consistent with those in place in the City of Los Angeles include:

- Increasing the period during which contractors, subcontractors, etc. may not contribute to political campaigns from six months to twelve months.
- Explicitly prohibiting any political contributions from registered lobbyists.
- Increasing the frequency with which candidates must report contributions and spending.
- Lowering the expenditure limit for mayoral candidates.
- Changes to personal contribution limits to possibly offset the influence of unregulated independent expenditures on City elections.

Further research could include: policies governing loans from candidates to their own campaigns; San Francisco and City of Los Angeles's General Fund expenditures on publicly supported campaigns; and a comparison in fees and fines levied by the two cities' Ethics Commissions for election code violations.

## Appendix: Comparison Matrix

1. Campaign Financing		
	Los Angeles	San Francisco
a. (i) Restricted or prohibited sources (e.g., lobbyists, contractors, those applying for permits, corporations) and (ii) prohibited locations for contributions (e.g., City Hall or city offices).	<p>(i) <b>Lobbyists and lobbying firms</b>, who are registered to lobby the pertinent City office, or the City entity in which the candidate sits, cannot contribute;</p> <p><b>Contractors</b> responding to a contract solicitation with a value of at least \$100,000, which requires City Council approval or approval by the office of the respective candidate, <b>subcontractors</b> that are expected to receiving \$100,000 from such a contract, or <b>principals of contractors or subcontractors</b> from such a contract. Such contractors, subcontractors, and principals may not fundraise for such candidates; these prohibitions last 12 months from the time the bid or proposal is submitted until it is signed, the bid or proposal is withdrawn, or all proposals are rejected, whichever is earlier. (Sec 470.c.12);<sup>1</sup></p> <p>No <b>cash contributions</b> greater than \$25;</p> <p>No <b>anonymous contributions</b> greater than \$200 – such donations must be paid to the City Treasurer and deposited into the General Fund;</p> <p>No <b>assumed name contributions</b>, including indirect donations or combinations or individuals.</p> <p>(ii) City Hall and buildings for which the City pays more than 50% of the rent are exempted. However, City-owned spaces that are open to the public, such as community centers are permitted.</p>	<p>(i) <b>Corporations</b> cannot contribute;</p> <p><b>Contractors</b> (contract value \$50K or more) cannot contribute to an official or candidate who approved a contract within the past 6 months, or who would be in position to approve a pending contract.</p> <p>No <b>cash contributions</b> greater than \$100.</p> <p>No <b>anonymous contributions</b> of any amount.</p> <p>(ii) Existing City officials and employees may not engage in political activity during working hours or on City premises (not including City owned property that is made available to the public and can be used for political purposes).</p>

<sup>1</sup> Any contractor/subcontractor/principal found to have violated the provision is subject to contract debarment of 1 year (first violation), 2 years (2<sup>nd</sup> violation), 3 years (3<sup>rd</sup> violation), 4 years (4<sup>th</sup> violation).

	<b>Los Angeles</b>	<b>San Francisco</b>
b. Prohibitions on city commissioners, city officers, campaign “finance committee,” etc. (i) making or (ii) soliciting contributions	(i) Ethics Commissioners cannot make contributions. (ii) City Commission members may not fundraise for another candidate. Candidates may not solicit contributions from prohibited sources listed above.	(i) Members of the Ethics Commission, the Elections Commission, and the Department of Elections may not contribute to local campaigns; (ii) Elected officials cannot: solicit donations from <b>contractors</b> whose contracts or pending or were approved within the past 6 months; knowingly solicit political contributions from other <b>City officers or employees</b> or from persons on employment lists of the City (other means OK); No campaigning in uniform
c. (i) Timetable for disclosures of contributions and spending and (ii) years candidates are required to maintain records.	(i) Eight reporting deadlines, increasing in frequency, for the approximately 14 month period leading up to and including to March Primary; Four reporting deadlines for the 10 weeks leading up to the May General Election. (ii) 4 years (statute of limitations)	(i) Four reporting deadlines, increasing in frequency, for the approximately 11 month period leading up to and including the November General Election.; and within 10 business days of any request from the Ethics Commission. (ii) 4 years (statute of limitations)
d. Caps on contributions (i) individual and (ii) cumulative	(i) \$700 per City Council candidate; \$1,300 per candidate for Mayor, City Attorney, or Controller; PACS: \$500 per calendar year (ii) The greater of \$1,000 or (\$700 x # City Council Offices + \$1,300 x City-wide offices on the ballot) Add'l restrictions on Candidate personal contributions: \$25,000 (City Council), and \$100,000 (Mayor, City Attorney, Controller)	(i) \$500 per candidate, per contributor; and \$500 per PAC per year (ii) \$500 x # offices being elected, per contributor; \$3,000 to all PACs per year <sup>2</sup> Add'l restrictions on Candidate personal campaign loans: \$15,000 (Supervisors, Ed Boards), \$35,000 (Citywide non-Mayor), and \$120,000 (Mayor). Any amount in excess is considered a donation and may not be refunded to candidate.
e. (i) Caps and exemptions on voluntary spending caps; and (ii) benefits to those agreeing to spending caps	(i) \$202,300 for City Council, \$539,400 for Assessor and Attorney, \$1,213,800 for Mayor candidates (revised March 8, 2012). (ii) Participants are required to participate in a set number of debates; If opponent expenditures exceed the spending limits , or if independent expenditure committee exceeds \$50K in a City Council Race, \$100K in a City Attorney or Controller Race, or \$200K in a mayoral race, caps are no longer binding, and participating candidates are eligible to receive matching funds at a rate of 3:1, up to the maximum <sup>3</sup> (currently out of code)	(i) \$243,000 for Assessor, Public Defender, City Attorney, District Attorney, Treasurer, or Sheriff; \$104,000 for Board of Education, SFUSD or Governing Board, SFCCD; Participants are required to participate in three debates; Candidates for the Board of Supervisors or Mayor may not accept a voluntary expenditure ceiling; (ii) If opponent expenditures or receipt of contributions exceeds spending limits, or an independent expenditure committee spends in excess of the applicable spending limit, those limits are no longer binding,

<sup>2</sup> The Ethics Commission has enjoined the cap on contribution to PACs following the Supreme Court decision in Citizens United v. Federal Election Commission.

<sup>3</sup> According to the Executive Director of the LA City Ethics Commission, such triggers may be unconstitutional as a result of the Supreme Court’s 2011 decision in Arizona Free Enterprise Club v. Bennett.



	<b>Los Angeles</b>	<b>San Francisco</b>
f. Exemptions from spending limit, if any (e.g., compliance costs)	Donations and matching funds that are returned to their sources are exempt.	Compliance costs are not counted against spending caps.
g. Reporting and prohibitions on contributions made by intermediaries/bundlers	A candidate may not accept contributions from PACs which combined exceed: (i) City Council: \$150,000; (ii) City Attorney or Controller: \$400,000; (iii) Mayor: \$900,000. If a candidate declines matching funds and receives contributions or spends an amount exceeding these ceilings, these ceilings no longer apply to that candidate's opponents	Only individuals may contribute to local campaigns. Campaign consultants must report contributions, for which the consultant acted as an intermediary, at the time of registration and quarterly.
h. Public disclaimer requirements (advertisements, robocalls, mailings)	Independent Expenditure and other non-candidate spending must clearly state "Paid for by ..." Over a certain threshold, a copy of the script or literature must be provided to the Ethics Commission.	A <b>persuasion poll</b> must clearly identify candidate and caller; <b>Mailings</b> must include "paid for by (candidate Committee's name and street address)" as applicable; <b>Electioneering Communications, Advertisements, Recorded Telephone Messages</b> (to 500 or more) must clearly indicate who paid for the communication.
i. Disclosure requirements and prohibitions applicable to non-local committees that spend money on local elections.	No different than local committees.	No different than local committees.
Other	<ul style="list-style-type: none"> <li>* No solicitations for any candidate or intended candidate can be made by anyone until a Declaration of Intent to Solicit and Receive Contributions has been filed in connection with candidacy for a specific elected City office</li> <li>* No person can loan or be asked to loan more than \$700 per City Council seat, or \$1,300 for Mayor, City Attorney, or Controller.<sup>4</sup> Loans are counted against contributions limits and must be repaid in 30 days.</li> <li>* No more than one campaign checking account per candidate or committee</li> <li>* Petty cash limit of \$50/week</li> <li>* City Council appropriates \$2 million per fiscal year for public matching funds</li> </ul>	<p>Board of Supervisors candidates have an individual expenditure ceiling of \$143,000; Mayoral candidates have an individual expenditure ceiling of \$1,475,000. Each candidate for the Board of Supervisors or Mayor must sign and file a Statement of Participation or Non-Participation in the public financing program.</p> <p>* Loans from a candidate to their own campaign, over a set amount, are considered donations and cannot be repaid.</p>

<sup>4</sup> These contribution limits were raised from \$500 and \$1,000, respectfully, in March 2012

<b>2. Enforcement and Education</b>		
	<b>Los Angeles</b>	<b>San Francisco</b>
a. (i) Outreach to educate contributors on requirements and restrictions (e.g. contractor contributions, cumulative contribution limits, etc.). (ii) Is a Contributor Guide released by the Commission?	(i) Outreach is focused on campaign participants (candidates, campaign staff, contractors, etc). (ii) Produces "2011 Election Contributor Guide," available online (Commission has no printing budget)	(i) The Ethics Commission prepares and publishes written instructions explaining the duties of persons, candidates and committees. (ii) No guide for general contributors, but online forms and manuals for candidates and officeholders, campaign committees, individuals making independent expenditures, city officers, campaign consultants, and lobbyists. Numerous other documents, letters, and memos available on Ethics Commission's website.
b. Enforcement record on provisions enumerated above	Stipulated Settlements and Decisions and Orders from 1993 through 2012 are <a href="#">featured online</a>	Completed cases, including allegations and dispositions, and including dismissals are summarized on Ethics Commission website (10/18/04 through 11/14/11).
c. (i) Subpoena powers and (ii) have subpoenas ever been issued?	(i) The Ethics Commission audits disclosure statements and other relevant documents and investigates alleged violations of City or state restrictions on campaign contributions and expenditures, lobbying, governmental ethics and conflicts of interest and reports the findings to the City Attorney and other appropriate enforcement authorities. Audits are conducted on every candidate receiving public matching funds and may be conducted of other candidates and committees involved in City elections. The commission and any special prosecutor may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the commission's duties or exercise of its powers (Sec. 706.a.3) (ii) Audits from 2007, 2009, and 2011 are available on the Commission's website. Usually documents are able to be procured without the power of subpoena, but in instances of money laundering or interviews, subpoenas may be issued.	(i) The Ethics Commission audits committees and may further issue subpoenas, in order to enforce the provisions of the Campaign Code; (ii) The Commission's website lists its audits provides summary reports, dated from 1999 to as recently as March 15, 2012. Usually documents and interviews are able to be procured without the power of subpoena, but in some instances subpoenas have been issued by the Elections Commission.

	<b>Los Angeles</b>	<b>San Francisco</b>
d. (i) Prosecutorial discretion and private right of action and (ii) history of use and function	<p>(i) City Attorney or resident can bring civil action against anyone who intentionally or negligently violates any provision of Section 470. Civil penalty up to \$2,000 per violation, unless otherwise stated; fine for contribution violation up to 3X contribution amount; Private individual must first file a written request for the City Attorney to commence the action (City Attorney has 40 days to respond) (Sec 470.o.2)</p> <p>The City Attorney, on behalf of the City or any City resident, may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of Section 470, and the Court may award a plaintiff or defendant who prevails his or her costs of litigation, including reasonable attorney's fees (Sec 470.r)</p> <p>The commission shall not be required to investigate a complaint filed unless the complaint identifies the specific alleged violation which forms the basis for the complaint and contains sufficient facts to warrant an investigation (Sec706.a)</p> <p>(ii) There is no history of involving the City Attorney. There is joint work with the City Attorney and the DA, but any action would be jointly</p>	<p>(i) City Attorney and District Attorney shall investigate Campaign Code issues. The City Attorney, or any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of the Campaign Code.</p> <p>(ii) Where a criminal act is suspected, the Ethics Commission will pass on a case to the City Attorney or District Attorney. The Ethics Commission would likely work collaboratively with the City Attorney or District Attorney. The Ethics Commission would not refer cases where only a misdemeanor has occurred.</p>
e. Disclosure of investigatory files and complaint materials	<p>The investigation into alleged violations of campaign financing, lobbying and conflicts of interest and governmental ethics are conducted in a confidential manner and investigation records are considered confidential. Disclosure is grounds for termination of employee or removal of commissioner. Stipulated Settlements and Decisions and Orders from 1993 through 2012 are <a href="#">featured online</a>.</p>	<p>Investigation and complaint materials are confidential, until which time that the Ethics Commission has determined probable cause. If there is a finding of no probable cause or there is a finding of insufficient evidence, the complaint is not made public. If the Ethics Commission determines there is probable cause, the complaint becomes a public matter.</p>
f. How is the public/non-regulated community educated and notified about enforcement issues generally?	<p>After an accusation is issued and served, the commission shall cause a public evidentiary hearing to be held to determine if a violation has occurred. Generally, the Commission issues press releases, news bulletins, provides agenda and audio for past meetings, highlights upcoming meetings,</p>	<p>Website, monthly Executive Director reports, Press releases/press release subscriptions, RSS/Twitter/Facebook Calendar of public meetings posted online, and archive of agendas, minutes, and video and audio recordings of meetings since June 2009 are also available online. Meetings prior to June 2009 are available for listening on cassette at the Commission's Office.</p>

	<b>Los Angeles</b>	<b>San Francisco</b>
Other	If a candidate is convicted of a misdemeanor violation of any provision of Section 470, and the court finds the violation had a material effect on the election outcome, the candidate is either disqualified from the contest, disallowed from assuming office, or removed from office, AND the person convicted is ineligible to hold elected City office for a five years after the date of the conviction.	

<b>3. Lobbying</b>		
	<b>Los Angeles</b>	<b>San Francisco</b>
a. Definition of lobbyist	<p>"Lobbyist" means any individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged in lobbying activities which include at least one direct communication with a City official or employee, conducted either personally or through agents, for the purpose of attempting to influence municipal legislation on behalf of any other person.</p> <p>Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Article or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An individual "becomes entitled to receive compensation" when the individual or the entity in which the individual is an employee, partner, owner, shareholder or officer, agrees to provide services regulated by this Article, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes. A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services.</p> <p>The LA City Lobbying Ordinance also provides definitions for "lobbying activities," "lobbying entity," "lobbying firm," and "lobbyist employer" (Sec. 48.02)</p>	<p>Any individual who: (1) receives or is promised economic consideration of \$3,000 or more within three consecutive calendar months for lobbyist services; and (2) on behalf of the persons providing the economic consideration, makes any contact with an officer of the City and County. (Sec.2.105.g of the Campaign Code)</p>

	<b>Los Angeles</b>	<b>San Francisco</b>
b. Restrictions on lobbyists	Lobbyists must file documentation with the Ethics Commission to be registered with the City; Lobbyists may not contribute to candidates in offices for which they are registered to lobby	Registration and disclosure requirements (Sec 2.110); prohibited from offering gifts greater than \$25 (except as exempted); influence legislation that leads to employment; make contact as a fictitious person; evade obligations (Sec 2.115); must complete training w/ Ethics Commission (Sec 2.116); campaign consultants can't lobby current or former clients (except as exempted) (Sec. 2.117)
c. Penalties for lobbyists and who enforces those penalties	Penalties enforced by Ethics Commission and/or City Attorney consistent with other Ethics Code violations.. Failure to properly report any receipt or expenditure may result in civil actions not to exceed the amount not properly reported, or \$2,000, whichever is greater. Any other violation may result in civil actions no greater than \$2,000. Late filing penalties are \$25 per day, up to \$500.	Late filing fee of \$50 per day, imposed by Ethics Commission; Administrative proceedings for code violations, held by Ethics Commission; \$5,000 civil action (or three times the amount not properly reported, or three times the amount given or received in excess of the gift limit, whichever is greater) for Code violations, by City Attorney; license revocation for knowingly violating Code, by City Attorney.
d. Ongoing reporting of lobbyists contacts by city officers	Every lobbyist, lobbying firm, lobbyist employer and major filer shall file the quarterly disclosure reports required by this section on or before the last day of the month following each calendar quarter. (Sec. 48.08.A) 13 categories of report contents listed in Section 48.08.B of the Lobbying Ordinance.	Monthly reports including contacts of city officers and applicable dates, relevant legislation/administrative action, client, amount of economic considerations, all activity expenses, details on all political contributions of \$100 or more; other information (Sec. 2.110.c) Ethics Commission summarizes these reports and makes them available on its website

**Sources:**

- Los Angeles Charter and Administrative Code, Sections IV (Elections) and Section VII (City Ethics Commission; Special Prosecutor); and the Municipal Lobbying Ordinance, Los Angeles Municipal Code Section 48.01
- Los Angeles City Ethics Commission website: <http://ethics.lacity.org>
- Los Angeles City Ethics Commission Staff
- San Francisco's Ethics Commission work is directed by the San Francisco Campaign and Governmental Conduct Code, Article I (Election Campaigns), Article II (Lobbying), and Article III (Conduct of Government Officials and Employees).
- San Francisco Ethics Commission website: <http://www.sfethics.org>
- San Francisco Commission Staff