Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.142 to delay the certification of 2012 supervisorial candidates seeking public financing until the Redistricting Task Force completes its revision of supervisorial district boundaries.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman. Board amendment additions are double-underlined; Board amendment deletions are strikethrough normal.

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 Section 1.142, to read as follows:

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

(a) STATEMENT OF PARTICIPATION OR NON-PARTICIPATION. 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. The statement must be filed by the candidate with the Ethics Commission no later than the deadline for filing nomination papers. On the statement, each candidate shall indicate whether he or she intends to participate in the public financing program. A statement of participation or non-participation may not be amended after the deadline for filing nomination papers.

(b) DECLARATION BY CANDIDATE. To become 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 be permitted to submit the declaration and any supporting material required
by the Ethics Commission to the Ethics Commission no earlier than nine months before the
date of the election, but no later than the 70th day before the election. 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supporting material may be withdrawn and refiled, provided that the refiling is made no later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 70th day before the election.

If any deadline imposed by this Subsection falls on a Saturday, Sunday, or legal
holiday, the deadline shall be the next business day.

(c) 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.

(d) DETERMINATION OF OPPOSITION. To determine whether a candidate for the
Board of Supervisors is opposed as required under Section 1.140(b)(3) of this Chapter or a
candidate for Mayor is opposed as required under Section 1.140(c)(3) of this Chapter, the
Executive Director shall review the material filed pursuant to Section 1.152 of this Chapter,
and may review any other material.

(e) CERTIFICATION. If the Executive Director determines that a candidate for
Mayor or the Board of Supervisors 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. Except as
provided in subsection (h), the Executive Director shall determine whether to certify a
candidate no later than 30 days after the date the candidate submits his or her declaration and supporting material, provided that the Executive Director shall make all determinations regarding whether to certify a candidate no later than the 55th day before the election.

(f) 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(b) 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.

(g) APPEAL TO THE ETHICS COMMISSION. If 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.

(h) SUPERVISORIAL CANDIDATES SEEKING ELECTION IN NOVEMBER 2012. The Executive Director shall not certify any supervisorial candidates seeking election in November 2012 as eligible to receive public funds until the Redistricting Task Force, convened by the Board of Supervisors in Ordinance No. 93-11, has completed its 2012 revision of supervisorial district boundaries. Supervisorial candidates seeking election in November 2012 may submit their declaration...
and any supporting material concerning their eligibility to the Ethics Commission prior to the completion of the Redistricting Task Force's revision of supervisorial district boundaries.

Section 3. Effective Date. This ordinance shall become effective 30 days from the date of passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: JON GIVNER
Deputy City Attorney
File Number: 111277  Date Passed: March 06, 2012

Ordinance amending the San Francisco Campaign and Governmental Conduct Code Section 1.142 to delay the certification of 2012 supervisorial candidates seeking public financing until the Redistricting Task Force completes its revision of supervisorial district boundaries.

February 16, 2012 Rules Committee - RECOMMENDED.

February 28, 2012 Board of Supervisors - PASSED ON FIRST READING
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

March 06, 2012 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/6/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved