Ordinance amending the Campaign and Governmental Conduct Code and the Municipal Elections Code to modify funding of expenditure ceilings for the City's public financing program, to increase expenditure ceilings for supervisorial candidates, to delay the date on which public funds may be disbursed, to change the qualification requirements for participating candidates, and to advance the date by which all local candidates must file their nomination papers.

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. Findings.

1. One of the primary purposes of the City's public financing program is to combat corruption and the appearance of corruption in local politics. By decreasing candidates' reliance on private campaign contributions, the City's public financing program reduces the possibility that contributions will allow private, relatively wealthy individuals to receive disproportionate access to City decision-makers or exercise undue influence with City elected officials. Lessening the need for private fund-raising also increases public confidence that City elected officials will act solely in the City's best interests.

2. The City's public financing program, by decreasing pressures to fund-raise from private, relatively wealthy sources, also encourages candidates to address the needs and concerns of a socio-economically broader group of San Francisco residents. It also allows candidates, during their election efforts, to engage City residents on local issues instead of focusing on fund-raising. These effects fulfill the fundamental purposes of democratic
government and decrease the public perception of corruption among elected officials. For incumbents, decreasing the need to fund-raise also increases the amount of time that they can spend on governing instead of fund-raising.

3. The independent expenditure ceilings employed by the City’s public financing program are the sole means by which the City can attract viable candidates to participate. Viable candidates will only participate in a public financing program if it-the program ensures that participating candidates will not be easily outspent by non-participating candidates or third-parties. Without adjustable expenditure ceilings, candidates would not participate in the program, and low participation rates would render the program ineffective.

4. Since its inception in November 2000, the City’s public financing program has been a success. For the past decade, many candidates seeking election to either the office of Mayor or the Board of Supervisors have participated in the City’s public financing program.

Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby amended by amending Sections 1.138, 1.140, 1.143, 1.144, 1.154, and 1.170 to read as follows:

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

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. Except as provided in Subsections (b)(3) and (b)(4), each fiscal year the City and County of San Francisco shall appropriate $2.75 per resident of the City and County of San Francisco to the Election Campaign Fund to provide funding for election campaigns as authorized by this Chapter for all
candidates for Mayor or the Board of Supervisors who may be eligible to receive such funds.

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.

(b) APPROPRIATION TO ELECTION CAMPAIGN FUND. Except as provided in
Subsections (b)(3) and (b)(4), each fiscal year the City and County of San Francisco shall
appropriate $2.75 per resident of the City and County of San Francisco to the Election
Campaign Fund to provide funding for election campaigns as authorized by this Chapter for all
candidates for Mayor or the Board of Supervisors who may be eligible to receive such funds.

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.

(1) For each fiscal year during which the City and County of San Francisco
will hold an election for Mayor, the City and County of San Francisco shall appropriate funds
to the Election Campaign Fund such that the total amount in the Election Campaign Fund on
the first day of the fiscal year is $5 million. For each fiscal year during which the City and
County of San Francisco will hold an election for the Board of Supervisors, the City and
County of San Francisco shall appropriate funds to the Election Campaign Fund such that the
total amount in the Election Campaign Fund on the first day of the fiscal year is $4 million.

(2) Any funds in the Election Campaign Fund not used in one election shall
be carried over for use in the following election, provided that at no time shall the total amount
in the Election Campaign Fund exceed $13.57 million. Any funds in the Election Campaign
Fund in excess of $13.57 million shall be returned to the General Fund.

(3) Funds necessary for the Ethics Commission to administer the public
financing program for candidates for Mayor or the Board of Supervisors authorized under
Section 1.136 of this Chapter shall be taken from the Election Campaign Fund. The
Commission's administrative expenses for such public financing program for any election shall not exceed 15% of the total amount of funds in the Election Campaign Fund for that election.

(3) If the Office of Mayor becomes vacant and an election is held to fill the vacancy for the remainder of the term, the City and County of San Francisco shall appropriate additional funds to the Election Campaign Fund in an amount that ensures that at least $8.00 per resident is available in the Election Campaign Fund for that election and the next regularly scheduled Mayoral election.

(4) If an office of a member of the Board of Supervisors becomes vacant and an election is held to fill the vacancy for the remainder of the term, the City and County of San Francisco shall appropriate an additional $0.25 per resident to the Election Campaign Fund for that election. These additional funds shall not be subject to the limit in Subsection (b)(1) of this Section. Any funds appropriated pursuant to this subsection that are not used for the election to fill the vacancy shall be returned to the General Fund.

(b) INSUFFICIENT FUNDS.
(4) No later than August 1 before an election for Mayor, the Executive Director shall notify the Commission and the Board of Supervisors if less than $5 million exists in the Election Campaign Fund. If $5 million does not exist in the Election Campaign Fund, the Commission may, in accordance with the fiscal provisions of the Charter, request a supplemental appropriation from the Board of Supervisors and the Mayor to provide additional funding to the Election Campaign Fund so that at least $5 million, but no more than $7 million, exists in the fund for the upcoming election.

(2) No later than August 1 before an election for the Board of Supervisors, the Executive Director shall notify the Commission and the Board of Supervisors if less than $4 million exists in the Election Campaign Fund. If $4 million does not exist in the Election Campaign Fund, the Commission may, in accordance with the fiscal provisions of the Charter, request a supplemental appropriation from the Board of Supervisors and the Mayor to provide additional funding to the Election Campaign Fund so that at least $4 million, but no more than $7 million, exists in the fund for the upcoming election.

(c) 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.

SEC. 1.140. ELIGIBILITY TO RECEIVE PUBLIC FINANCING.

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

(1) Have filed a statement indicating that he or she intends to participate in the public financing program under Section 1.142 of this Chapter.

(2) Agree to the following conditions:

(A) The candidate bears the burden of providing 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 will not make any payments to a contractor or
vendor in return for the contractor or vendor making a campaign contribution to the candidate
or make more than a total of 50 payments, other than the return of a contribution, to
contractors or vendor that have made contributions to the candidate;

(D) Notwithstanding Sections 1.114 and 1.116, the candidate shall not
loan or donate, in total, more than $5,000 of his or her own money to the campaign;

(E) The candidate shall not accept any loans to his or her campaign
with the exception of a candidate’s loan to his or her own campaign as permitted by this
Section; and

(F) The candidate shall agree to participate in at least three debates
with the candidate’s opponents.

(3) Have paid any outstanding late fines or penalties, owed to the City by the
candidate or any of the candidate’s previous campaign committees, which were imposed for
violations of this Code or the campaign finance provisions of the California Political Reform
Act (Government Code Sections 84100-85704), provided that the Ethics Commission had
notified the candidate of such fines or penalties by the time of certification.

(4) Have filed any outstanding forms, owed to the City by the candidate or
any of the candidate’s previous campaign committees, which were required to be filed
pursuant to this Code or the campaign finance provisions of the Political Reform Act
(Government Code Sections 84100-85704), provided that the Ethics Commission had notified
the candidate of such outstanding forms by the time of certification.

(5) Have no finding by a court or by the Ethics Commission after a hearing
on the merits, within the prior five years, that the candidate knowingly, willfully, or intentionally
violated any Section of this Code or the campaign finance provisions of this California Political
Reform Act (Government Code Sections 84100-85704). For purposes of this Section, a plea
of nolo contendere constitutes a finding by a court of a willful violation.

(b) ADDITIONAL REQUIREMENTS FOR CANDIDATES FOR THE BOARD OF
SUPERVISORS. To be eligible to receive public financing of campaign expenses under this
Chapter, a candidate for the Board of Supervisors must:

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

(2) Have a candidate committee that has received at least $5,000 in
qualifying contributions from at least 75 contributors before the 70th day before the
election; or, if the candidate is an incumbent member of the Board of Supervisors, have a candidate
committee that has received at least $15,000 in qualifying contributions from at least 150 contributors
before the 70th day before the election;

(3) Be opposed by another candidate who has either established eligibility to
receive public financing, or whose candidate committee has received contributions or made
expenditures which in the aggregate equal or exceed $5,000; and

(4) Agree that his or her candidate committee will not make qualified
campaign expenditures that total more than the candidate's Individual Expenditure Ceiling of
$143,000, or as adjusted under Section 1.143 of this Chapter.

(c) ADDITIONAL REQUIREMENTS FOR CANDIDATES FOR MAYOR. To be
eligible to receive public financing of campaign expenses under this Chapter, a candidate for
Mayor must:

(1) Be seeking election to the office of Mayor and be eligible to hold the office
sought;
(2) Have a candidate committee that has received at least $25,000 in qualifying contributions from at least 500 contributors by the 70th day before the election; or, if the candidate is the incumbent Mayor, have a candidate committee that has received at least $75,000 in qualifying contributions from at least 750 contributors by the 70th day before the election;

(3) Be opposed by another candidate who has either established eligibility to receive public financing, or whose candidate committee has received contributions or made expenditures that in the aggregate equal or exceed $50,000; and

(4) Agree that his or her candidate committee will not make qualified campaign expenditures that total more than the candidate’s Individual Expenditure Ceiling of $1,475,000, or as adjusted under Section 1.143 of this Chapter.

(d) ADJUSTMENT OF EXPENDITURE LIMITS AND THRESHOLDS. The Ethics Commission is authorized to adjust:

(1) The figures in Subsections (b)(4) and (c)(4) to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest $1,000 for candidates for the Board of Supervisors and the nearest $5,000 for candidates for Mayor;

(2) The figure in Subsection (a)(2)(D) of this Section to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest $1,000;

(3) The figures in Subsections (b)(2) and (b)(3) of this Section to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest $500;

(4) The figures in Subsections (c)(2) and (c)(3) of this Section to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest $5,000; and
The maximum amount of a contribution that constitutes a qualifying contribution pursuant to Section 1.104 to reflect changes in the California Consumer Price Index, provided that such adjustments shall be rounded off to the nearest $10.

SEC. 1.143. ADJUSTING INDIVIDUAL EXPENDITURE CEILINGS.

This Section shall apply only if the Ethics Commission has certified that at least one candidate for Mayor or the Board of Supervisors is eligible to receive public funds under this Chapter.

(a) The Executive Director shall adjust the Individual Expenditure Ceiling of a candidate for Mayor to an amount equal to the sum of the Total Opposition Spending against that candidate and the highest level of the Total Supportive Funds of any other candidate for Mayor if such amount is greater than $1,475,000, provided that the Executive Director may adjust a candidate's Individual Expenditure Ceilings only in increments of $100,000.

(b) The Executive Director shall adjust the Individual Expenditure Ceiling of a candidate for the Board of Supervisors to an amount equal to the sum of the Total Opposition Spending against that candidate and the highest level of the Total Supportive Funds of any other candidate for the same office on the Board of Supervisors if such amount is greater than $143,000, provided the Executive Director may adjust a candidate's Individual Expenditure Ceiling only in increments of $10,000.

(c) No later than the second business day after a statement is filed pursuant to Section 1.152 (a)(3) or (b)(3) of this Chapter, the Executive Director shall determine whether the communication supports or opposes one or more candidates.

Factors the Executive Director shall use to determine whether the communication supports or opposes one or more candidates include the following:

(1) whether the communication clearly identifies one or more candidates;
the timing of the communication;

(3) the voters targeted by the communication;

(4) whether the communication identifies any candidate's position on a public policy issue and urges the reader or viewer to take action, including calling the candidate to support or oppose the candidate's position;

(5) whether the position of one or more candidates on a public policy issue has been raised as distinguishing these candidates from others in the campaign, either in the communication itself or in other public communications;

(6) whether the communication is part of an ongoing series of substantially similar advocacy communications by the organization on the same issue; and

(7) any other factors the Executive Director deems relevant.

(d) Within one business day of the date that the Executive Director makes a determination under Subsection (c), either the candidate(s) identified in the communication or any candidate seeking the same City elective office as the candidate identified in the communication may object to the Executive Director's determination. The Executive Director shall respond to any objection within one business day of receiving the objection.

(e) Within one business day of the Executive Director's response, either the candidate(s) identified in the communication or any candidate seeking the same City elective office as the candidate identified in the communication may submit to the Executive Director a request that the Ethics Commission review the Executive Director's determination. Within one business day of receiving the request, the Executive Director shall notify each Commissioner of the candidate's request.

If within one business day of the Executive Director's notice, two or more members of the Commission inform the Executive Director that they would like to review the determination, the Executive Director shall schedule a meeting of the Commission on a date that occurs...
within one week of the Commissioners' requests. If three members of the Commission vote to
overrule the Executive Director's determination, the Commission shall make a final
determination based on the factors set forth above.

(f) If no candidate objects to the Executive Director's determination, if no candidate
requests review by the Commission of the Executive Director's determination, if a request is
made and two or more members of the Commission do not request to review the
determination, or within one week of two members of the Commission requesting to review
the Executive Director's determination, at least three members of the Commission do not vote
to overrule the Executive Director's determination, the Executive Director's determination shall
become final.

The Executive Director shall determine whether to adjust the Individual Expenditure
Ceilings of each candidate for Mayor or the Board of Supervisors pursuant to either
Subsection (a) or (b) of this Section within one business day of a final determination.

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 to any candidate more than nine months before date of the election.
Payments from the Controller shall be disbursed to eligible candidates within two business
days of the Controller receiving notification from the Ethics Commission regarding the amount
of the disbursement, except that within fifteen calendar days before the election, such
payments shall be made within one business day.

(c) PAYMENTS FOR ELECTION EXPENSES TO CANDIDATES FOR MAYOR.
(1) — Until the Per Candidate Available Disbursement Limit has been determined, candidates for Mayor whom the Ethics Commission has certified as eligible to receive public financing for their election campaigns will have access to up to $900,000 in funds from the Election Campaign Fund on a first-come, first-served basis according to the following formula set forth in Subsection (c)(3) of this Section:

(2) — Once the Per Candidate Available Disbursement Limit has been determined, candidates for Mayor whom the Ethics Commission has certified as eligible to receive public financing for their election campaigns shall have access to funds from the Election Campaign Fund as follows:

(A) — If the Executive Director determines that the Per Candidate Available Disbursement Limit is greater than $900,000, each participating candidate shall have access to the amount of the Per Candidate Available Disbursement Limit, subject to the limitations set forth under Subsection (c)(3)(D) and (c)(3)(E) of this Section.

(B) — If the Executive Director determines the Per Candidate Available Disbursement Limit is less than or equal to $900,000, participating candidates shall have access to funds from the Election Campaign Fund on a first-come, first-served basis up to a maximum per candidate of $900,000.

(3) — A candidate for Mayor who is certified as eligible to receive public financing under this Chapter shall receive payments for eligible matching contributions according to the following formula:

(A)  Upon qualification the candidate shall receive a one-time payment of $500,000 from the Election Campaign Fund.

(B)  After the initial payment under Subsection (c)(3)(A), for the first $100,000 in matching contributions raised by the candidate, the candidate shall receive two dollars from the Election Campaign Fund for each dollar raised.

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(c3) After the payments under Subsection (e)(3)(B)(2), for the next $450,000 in matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund for each dollar raised. If the candidate is the incumbent Mayor, after the payments under Subsection (2), for the next $150,000 in matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund for each dollar raised.

(d4) The maximum amount of public funds a non-incumbent mayoral candidate may receive is $900,000, unless the candidate's Individual Expenditure Ceiling is adjusted according to the rules set forth under Section 1.143. The maximum amount of public funds an incumbent mayoral candidate may receive is $1,100,000.

(E) If the Per Candidate Available Disbursement Limit has been determined to be an amount greater than $900,000, a candidate who has already received at least $900,000 in disbursements from the City shall continue to be eligible to receive public funds from the City at the rate of one dollar for each dollar of a matching contribution raised up to the Per Candidate Available Disbursement Limit, provided that no funds shall be disbursed if disbursement of the funds would result in the candidate exceeding his or her Trust Account Limit.

(d) PAYMENTS FOR ELECTION EXPENSES TO CANDIDATES FOR THE BOARD OF SUPERVISORS.

(1) Until the Per Candidate Available Disbursement Limit has been determined, candidates for the Board of Supervisors whom the Ethics Commission has certified as eligible to receive public financing for their election campaigns will have access to up to $89,000 in funds from the Election Campaign Fund on a first-come, first-served basis according to the following formula set forth in Subsection (d)(3) of this Section:

(2) Once the Per Candidate Available Disbursement Limit has been determined, candidates for the Board of Supervisors whom the Ethics Commission has certified as eligible to
receive public financing for their election campaigns shall have access to funds from the Election Campaign Fund as follows:

(A) If the Executive Director determines that the Per-Candidate Available Disbursement Limit is greater than $89,000, each participating candidate shall have access to the amount of the Per-Candidate Available Disbursement Limit, subject to the limitations set forth under Subsection (d)(3)(D) and (d)(3)(E) of this Section.

(B) If the Executive Director determines the Per-Candidate Available Disbursement Limit is less than or equal to $89,000, participating candidates shall have access to funds from the Election Campaign Fund on a first come, first served basis up to a maximum per candidate of $89,000.

(3) A candidate for the Board of Supervisors who is certified as eligible to receive public financing under this Chapter shall receive payments for eligible matching contributions according to the following formula:

(A) Upon qualification the candidate shall receive a one-time payment of $10,000 from the Election Campaign Fund.

(B) After the initial payment under Subsection (d)(3)(A)(1), for the first $10,000 in matching contributions raised by the candidate, the candidate shall receive two dollars from the Election Campaign Fund for each dollar raised.

(C) After the payments under Subsection (d)(3)(B)(2), for the next $39,000 in matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund for each dollar raised. If the candidate is an incumbent member of the Board of Supervisors, after the payments under Subsection (2), for the next $32,500 in matching contributions raised by the candidate, the candidate shall receive one dollar from the Election Campaign Fund for each dollar raised.
The maximum amount of public funds a non-incumbent candidate for the Board of Supervisors may receive is $89,000, unless the candidate's Individual Expenditure Ceiling is adjusted according to the rules set forth under Section 1.143. The maximum amount of public funds an incumbent candidate for the Board of Supervisors may receive is $152,500.

If the Per Candidate Available Disbursement Limit has been determined to be an amount greater than $89,000, a candidate who has already received at least $89,000 in disbursements from the City shall continue to be eligible to receive public funds from the City at the rate of one dollar for each dollar of a matching contribution raised up to the Per Candidate Disbursement Limit, provided that no funds shall be disbursed if disbursement of the funds would result in the candidate exceeding his or her Trust Account Limit.

PER CANDIDATE AVAILABLE DISBURSEMENT LIMIT. On the 59th day before the election, the Executive Director shall divide the total amount of non-administrative funds in the Election Campaign Fund by the number of qualified candidates. This number shall be deemed the Per Candidate Available Disbursement Limit. For the purposes of this section, the total amount of non-administrative funds in the Election Campaign Fund shall be the total amount of funds that existed in the Fund nine months before the date of election plus any funds deposited into the Fund between that date and the 59th day before the election minus any funds necessary to cover the administrative costs associated with implementing the public financing program for the next election.

If there are candidates who have submitted a Declaration of Qualification but whose eligibility has not been determined as of the 59th day before the election, the Executive Director shall assume that they are qualified for the purposes of determining the Per Candidate Available Disbursement Limit. The Per Candidate Available Disbursement Limit shall be revised upward according to the formula above if and when it is determined that the candidate or candidates in question did not qualify to receive public financing.
Immediately upon calculating the Per Candidate Available Disbursement Limit, the Executive Director shall inform the Controller of the initial determination of the Per Candidate Available Disbursement Limit. Thereafter, the Executive Director shall immediately inform the Controller of any subsequent changes in the Per Candidate Available Disbursement Limit due to a determination that a candidate has not qualified to receive public financing.

(fe) SUBMISSION OF CLAIMS FOR PUBLIC FUNDS. The Ethics Commission shall determine the information needed to submit a claim for payment of public funds. The Executive Director shall certify each request for payment of public funds within four business days of the request, except that within 14 calendar days before the election, when the certification of a request for public funds shall be made within two business days of the request. No candidate may submit a claim for public funds if the candidate has any such claims pending with the Ethics Commission. For candidates for Mayor, any submission of a claim for public funds must include a minimum of $5,000 of matching contributions; provided that in the 14 calendar days preceding an election, a claim must include a minimum of $1,000 of matching contributions. For candidates for the Board of Supervisors, any submission of a claim for public funds must include a minimum of $1,000 of matching contributions; provided that in the 14 calendar days preceding an election, a claim must include a minimum of $200 of matching contributions. All claims for public funds must be submitted no later than 5:00 p.m. on the 30th day following the date of the election.

(gf) DEPOSIT IN CAMPAIGN CONTRIBUTION TRUST ACCOUNT. A candidate must deposit all payments received from the Election Campaign Fund in his or her candidate committee's Campaign Contribution Trust Account.
(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) INSUFFICIENT FUNDS.

(1) Elections for Mayor. No later than August 1 before an election for Mayor, the Executive Director shall notify the Commission and the Board of Supervisors whether $8.00 per resident, after subtracting 15% for the administrative expenses provided under section 1.138(b)(2), exists in the Election Campaign Fund. If $8.00 per resident, plus 15% for administrative expenses, does not exist in the Election Campaign Fund, the Commission may, in accordance with the fiscal provisions of the Charter, request a supplemental appropriation from the Board of Supervisors and the Mayor to provide additional funding to the Election Campaign Fund so that $8.00 per resident, plus 15% for administrative expenses, exists in the fund for the upcoming election. This requirement shall not apply to any election held to fill the vacancy for the remainder of a term.

(2) Elections for the Board of Supervisors. No later than August 1 before an election for the Board of Supervisors, the Executive Director shall notify the Commission and the Board of Supervisors whether $1.50 per resident, after subtracting 15% for the administrative expenses provided under section 1.138(b)(2), exists in the Election Campaign Fund. If $1.50 per resident, plus 15% for administrative expenses, does not exist in the Election Campaign Fund, the Commission may, in accordance with the fiscal provisions of the Charter, request a supplemental appropriation from the Board of Supervisors and the Mayor to provide additional funding to the Election Campaign Fund so that $1.50 per resident, plus 15% for administrative expenses, exists in the fund for the upcoming election. This requirement shall not apply to any election held to fill the vacancy for the remainder of a term.
(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) INSUFFICIENT FUNDS.

(1) Elections for Mayor. No later than August 1 before an election for Mayor, the Executive Director shall notify the Commission and the Board of Supervisors whether $7.50 per resident, after subtracting 15% for the administrative expenses provided under section 1.138(b)(2), exists in the Election Campaign Fund. If $7.50 per resident, plus 15% for administrative expenses, does not exist in the Election Campaign Fund, the Commission may, in accordance with the fiscal provisions of the Charter, request a supplemental appropriation from the Board of Supervisors and the Mayor to provide additional funding to the Election Campaign Fund so that $7.50 per resident, plus 15% for administrative expenses, exists in the fund for the upcoming election. This requirement shall not apply to any election held to fill the vacancy for the remainder of a term.

(2) Elections for the Board of Supervisors. No later than August 1 before an election for the Board of Supervisors, the Executive Director shall notify the Commission and the Board of Supervisors whether $1.50 per resident, after subtracting 15% for the administrative expenses provided under section 1.138(b)(2), exists in the Election Campaign Fund. If $1.50 per resident, plus 15% for administrative expenses, does not exist in the Election Campaign Fund, the Commission may, in accordance with the fiscal provisions of the Charter, request a supplemental appropriation from the Board of Supervisors and the Mayor to provide additional funding to the Election Campaign Fund so that $1.50 per resident, plus 15% for administrative expenses, exists in the fund for the upcoming election. This requirement shall not apply to any election held to fill the vacancy for the remainder of a term.

SEC. 1.170. PENALTIES.
(a) 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 $5,000 for each violation 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 of this Chapter shall be punishable by a fine of not less than $5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 of this Chapter, or three times the amount expended in excess of the amount allowable pursuant to Section 1.130 or 1.140.5, whichever is greater.

(b) CIVIL. Any person who intentionally or negligently violates any of the provisions of this Chapter shall be liable in a civil action brought by the civil prosecutor for an amount up to $5,000 for each violation or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 1.114 or three times the amount expended in excess of the amount allowable pursuant to Section 1.130 or 1.140.5, whichever is greater.

(c) ADMINISTRATIVE. Any person who intentionally or negligently violates any of the provisions of this Chapter shall be liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for any penalties authorized therein.

(d) LATE FILING FEES

(1) Fees for Late Paper Filings. In addition to any other penalty, any person who files a paper copy of any statement or report after the deadline imposed by this Chapter shall be liable in the amount of ten dollars ($10) per day after the deadline until the statement is filed.
(2) In addition to any other penalty, any person who files an electronic copy of a statement or report after the deadline imposed by this Chapter shall be liable in the amount of twenty-five dollars ($25) per day after the deadline until the electronic copy or report is filed.

(3) Limitation on Liability. Liability imposed by Subsection (d)(1) shall not exceed the cumulative amount stated in the late statement or report, or one hundred dollars ($100), whichever is greater. Liability imposed by Subsection (d)(2) shall not exceed the cumulative amount stated in the late statement or report, or two hundred fifty dollars ($250), whichever is greater.

(4) Reduction or Waiver. The Ethics Commission may reduce or waive a fee imposed by this subsection if the Commission determines that the late filing was not willful and that enforcement will not further the purposes of this Chapter.

(e) 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 subject to the penalties provided in this Section.

(f) PROVISION OF FALSE OR MISLEADING INFORMATION TO THE ETHICS COMMISSION; WITHHOLDING OF INFORMATION. Any person who knowingly or willfully furnishes false or fraudulent evidence, documents, or information to the Ethics Commission under this Chapter, or misrepresents any material fact, or conceals any evidence, documents, or information, or fails to furnish to the Ethics Commission any records, documents, or other information required to be provided under this Chapter shall be subject to the penalties provided in this Section.

(g) PERSONAL LIABILITY. Candidates and treasurers are responsible for complying with this Chapter and may be held personally liable for violations by their committees. 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.

(h) JOINT AND SEVERAL LIABILITY. If two or more persons are responsible for any violation of this Chapter, they shall be jointly and severally liable.

(i) EFFECT OF VIOLATION ON OUTCOME OF ELECTION CANDIDACY.

(1) If a candidate is convicted, in a court of law, 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 elective 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.

(2) If a candidate for Mayor or the Board of Supervisors certified as eligible for public financing is found by a court to have exceeded the Individual Expenditure Ceiling in this Chapter by ten percent or more at any time prior to his or her election, such violation shall constitute official misconduct, he or she is ineligible for election, unless the court specifically determines that this provision shall not be applicable. If feasible, the candidate's name shall be removed from the ballot. No candidate for Mayor or the Board of Supervisors who is found by a court to have exceeded the Individual Expenditure Ceiling in this Chapter by ten percent or more after his or her election shall be a candidate for any City elective office for a period of five years following the court's determination unless the court specifically determines that this provision shall not be applicable. The Mayor may suspend any member of the Board of Supervisors for such a violation, and the Ethics Commission may make a recommendation to the Board of Supervisors that a candidate found by a court to have exceeded the Individual Expenditure Ceiling in this Chapter by...
ten percent or more should be removed from office following the procedures set forth in Charter section 15.105(a).

(3) A plea of nolo contendere, in a court of law, shall be deemed a conviction for purposes of this Section.

Section 3. The San Francisco Municipal Elections Code is hereby amended by amending Section 200 and adding Section 205, to read as follows:

SEC. 200. NOMINATION AND RECALL OF ELECTIVE OFFICERS;

INCORPORATION OF STATE LAW.

Except as otherwise provided by the Charter or this Municipal Elections Code, nomination of elective officers shall be made pursuant to California Elections Code Section 80010220 et seq., and the recall of elective officers shall be made pursuant to California Elections Code Section 11000 et seq. If the official proposed to be removed at a recall election is recalled, the vacancy shall be filled pursuant to Charter Sections 3.100+415 and 13.101.5.

SEC. 205. NOMINATION DEADLINES.

Candidates must file nomination papers no later than the 146th day before a municipal election during normal office hours, as posted.

Section 4. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Campaign & Governmental Conduct Code or Municipal Elections Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.
Section 6. Operative Dates. Section 2 of this Ordinance shall become operative 30
days from the date of passage. Section 3 of this Ordinance shall become operative on
January 1, 2013.

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

By: [Signature]
ANDREW SHEN
Deputy City Attorney.
File Number: 111082                Date Passed: April 10, 2012

Ordinance amending the Campaign and Governmental Conduct Code and the Municipal Elections Code to modify funding of the City's public financing program, to increase expenditure ceilings for supervisorial candidates, to delay the date on which public funds may be disbursed, to change the qualification requirements for participating candidates, and to advance the date by which all local candidates must file their nomination papers.

February 23, 2012 Rules Committee - AMENDED

February 23, 2012 Rules Committee - REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT AS AMENDED

February 28, 2012 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
   Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

February 28, 2012 Board of Supervisors - RE-REFERRED AS AMENDED
   Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

March 29, 2012 Rules Committee - REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT

April 03, 2012 Board of Supervisors - PASSED ON FIRST READING
   Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

April 10, 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 4/10/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date: April 20, 2012

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo
Clerk of the Board

File No. 111082