

1 [FALSE ENDORSEMENTS ON CAMPAIGN LITERATURE]
2 AMENDING CHAPTER 16 OF THE ADMINISTRATIVE CODE BY ADDING A NEW ARTICLE
3 XIID TO PROHIBIT FALSE ENDORSEMENTS ON CAMPAIGN LITERATURE

4 Note: This entire section is new.

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

6 Section 1. Chapter 16 of the San Francisco Administrative Code is hereby amended
7 by adding Article XIID, Sections ^{16.548-1} ~~16.550~~ to ^{16.548-6} ~~16.555~~ to read as follows:

8 SEC. ^{16.548-1} ~~16.550~~. Purpose. Campaign literature that falsely represents the endorsement
9 of current and former public officials, candidates, political clubs, and organizations has been
10 distributed in recent local elections. These false representations undermine the integrity of
11 the electoral process by misleading and confusing voters about the actual support for, or
12 opposition to, candidates or ballot measures. It is too burdensome for individual voters,
13 inundated with campaign messages, to verify the accuracy of such claims and for persons
14 whose positions are misrepresented to correct the misrepresentations. Prohibiting knowingly
15 false representations in campaign literature during the limited period when effectively
16 responding to them is most difficult will serve the City's paramount interest in ensuring the
17 integrity of the electoral process.

18 SEC. ^{16.548-2} ~~16.551~~. Definitions. For purposes of this article, the following definitions apply:

19 (A) Campaign literature. The term "campaign literature" includes but is not limited to
20 any flyer, doorhanger, pamphlet, brochure, card, billboard, or advertisement urging support
21 for or opposition to one or more candidates or ballot measures. The term "campaign
22 literature" does not include bumper stickers, pins, stickers, hat bands, badges, ribbons and
23 other similar campaign memorabilia.

24 (B) Candidate. The term "candidate" has the same meaning as in section 16.503(a) of
25 this Code.

1 (C) Civil enforcement authority. The term "civil enforcement authority" shall have the
2 same meaning as in section 16.503(f) of this Code.

3 (D) Measure. The term "measure" has the same meaning as in section 16.503(g) of
4 this Code.

5 (E) Person. The term "person" has the same meaning as in section 16. 503(j) of this
6 Code.

7 (F) Sponsor. The term "sponsor" means to pay for, direct, supervise or authorize the
8 production of campaign literature.

9 (G) Voter. The term "voter" means a voter registered to vote in San Francisco.

10 ^{16.548-3}
SEC. ~~16.552.~~ Distribution of Campaign Literature Containing False Endorsement

11 Prohibited. No person may sponsor any campaign literature that is distributed within 90 days
12 prior to an election and that contains a false endorsement, where the person acts with
13 knowledge of the falsity of the endorsement or with reckless disregard for the truth or falsity of
14 the endorsement. A false endorsement is a statement, signature, photograph, or image
15 representing that a person endorses support of or opposition to a candidate or measure when
16 in fact the person does not endorse support of or opposition to the candidate or measure as
17 stated or implied in the campaign literature.

18 ^{16.548-4}
SEC. ~~16.553.~~ Restraining order or injunction. The civil enforcement authority, or any

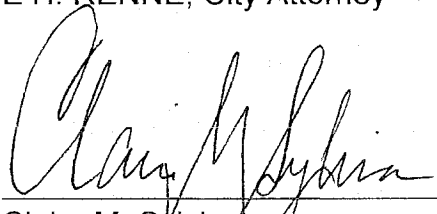
19 voter, may bring a civil action for injunctive relief against the publication, printing, circulation,
20 ^{16.548-3}
or posting of campaign literature that violates section ~~16.552.~~ No voter may commence an
21 action under this section without first providing written notice to the civil enforcement authority
22 of intent to commence an action. A Court may award reasonable attorney's fees and costs to
23 any voter who obtains injunctive relief under this section. If the Court finds that an action
24 brought by a voter under this section is frivolous, the Court may award the defendant
25 reasonable attorney's fees and costs.

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SEC. ~~16.554~~ ^{16.548-5} Penalties. Any person who violates section ~~16.552~~ ^{16.548-3} shall be liable in a civil action brought by the civil enforcement authority for an amount up to \$5000.

SEC. ~~16.555~~ ^{16.548-6} Severability. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Article, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this article or the validity of its application to other persons or circumstances.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: 

Claire M. Sylvia
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 981596

Date Passed:

Ordinance amending Chapter 16 of the Administrative Code by adding a new Article X11D, Sections 16.550 to 16.555 to prohibit false endorsements on campaign literature.

April 5, 1999 Board of Supervisors — PASSED, ON FIRST READING


Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

April 12, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Yaki, Yee
Absent: 2 - Brown, Teng

File No. 981596


I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 12, 1999 by the Board of Supervisors of the City and County of San Francisco.



Jean Lum
Acting Clerk of the Board

APR 23 1999

Date Approved



Mayor Willie L. Brown Jr.

File No. 981596 continued...