[Campaign and Governmental Conduct Code - Prohibiting Candidate-Controlled General Purpose Committees]

Ordinance amending the Campaign and Governmental Conduct Code to prohibit City elected officials from establishing candidate-controlled general purpose committees.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underline Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Campaign and Governmental Conduct Code is hereby amended by revising Sections 1.104 and 1.122, to read as follows:

SEC. 1.104. DEFINITIONS.

Whenever in this Chapter the following words or phrases are used, they shall mean:

* * * *

"Candidate" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, et seq., but shall include only candidates for City elective office.

"Candidate committee" shall mean a committee controlled by a candidate, and candidate-controlled committee that is primarily formed to support that candidate’s election for City elective office.

“Candidate-controlled committee” shall mean a controlled committee that is controlled by a candidate.

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"Controlled committee" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, et seq.

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"General purpose committee" shall be defined as set forth in the California Political Reform Act, California Government Code section 81000, et seq.

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SEC. 1.122. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS – LIMITATIONS.

(a) DECLARATION OF INTENT REQUIRED. No candidate or candidate committee shall solicit or accept, or cause to be solicited or accepted, any contribution unless and until the candidate has filed a declaration of intention to become a candidate for a specific City elective office with the Department of Elections on a form prescribed by the Director of Elections.

No person shall file a declaration of intention to become a candidate for more than one City elective office.

(b) USE OF CAMPAIGN FUNDS.

(1) GENERAL. Except as otherwise provided in this Chapter, funds in a candidate committee’s campaign account may be used only on behalf of the candidacy for the office specified in the candidate’s declaration of intention filed under Subsection (a) or for expenses associated with holding that office, provided that such expenditures are reasonably related to a legislative, governmental, or political purpose. Contributions solicited or accepted under this Section for one candidate shall not be expended for the candidacy of any other candidate for local, state or federal office, in support of or opposition to any measure or in support of or opposition to any state ballot proposition, or for donations to a charitable organization. Nothing in this section shall prohibit a candidate committee for a candidate in a
ranked choice election from expending funds to support the ranking of another candidate if the primary purpose of the expenditure is to further the candidate's own campaign.

(2) PROHIBITING CANDIDATE-CONTROLLED GENERAL PURPOSE COMMITTEES. No candidate holding City elective office may control a candidate-controlled general purpose committee. Any candidate who controls a candidate-controlled general purpose committee prior to assuming City elective office shall return, use, or dispose of all funds held by the committee using the means specified in subsection (b)(4) within 90 days of the date that the candidate assumes office.

(23) WITHDRAWAL FROM CANDIDACY. If a candidate has withdrawn his or her candidacy, campaign funds held by that candidate's committee's Campaign Contribution Trust Account shall be:

(A) returned on a "last in, first out" basis to those persons who have made said contributions;

(B) donated to the City and County of San Francisco;

(C) donated to a charitable organization;

(D) used to pay outstanding campaign debts or accrued expenses;

(E) used to pay expenses associated with terminating the committee, such as bookkeeping, legal fees, preparation of campaign statements, and audits; or

(F) used for other permissible purposes established by the Ethics Commission by regulation.

(34) SURPLUS FUNDS. Surplus funds held by a candidate or committee shall be:

(A) returned on a "last in, first out" basis to those persons who have made said contributions;

(B) donated to a charitable organization;
(C) donated to the City and County of San Francisco;
(D) used to pay outstanding campaign debts or accrued expenses;
(E) used to pay expenses associated with terminating the committee, such as bookkeeping, legal fees, preparation of campaign statements, and audits; or
(F) used for other permissible purposes established by the Ethics Commission by regulation.

(c) TRANSFER OF FUNDS. Subject to the restrictions set forth in Subsection (b), at any time, funds held in a candidate committee's Campaign Contribution Trust Account may be transferred to any legally constituted committee established by the candidate under the California Political Reform Act, California Government Code section 81000 et seq. Contributions transferred under this subsection shall be attributed to specific contributors using a "first in, first out" or "last in, first out" accounting method.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.
APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:

ANDREW SHEN
Deputy City Attorney
Ordinance amending the Campaign and Governmental Conduct Code to prohibit City elected officials from establishing candidate-controlled general purpose committees.

July 14, 2016 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

July 19, 2016 Board of Supervisors - PASSED ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

July 26, 2016 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/26/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

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, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

City and County of San Francisco
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