



THE CITY OF SAN DIEGO  
**PRESS RELEASE**

**Ethics Commission**

**FOR IMMEDIATE RELEASE**

Friday, April 13, 2006

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**ETHICS COMMISSION ANNOUNCES SETTLEMENT  
WITH SAN DIEGO COUNTY REPUBLICAN CENTRAL  
COMMITTEE CONCERNING MEMBER COMMUNICATIONS**

Stacey Fulhorst, Executive Director of the City of San Diego Ethics Commission, announced today the Commission's approval of a stipulated settlement agreement with the San Diego County Republican Central Committee. The Committee has agreed to pay a fine of \$7,000 for mailing improper "member communications" in connection with the January 10, 2006, special election for City Council District 8.

The Committee distributed three mailers in support of candidate Luis Acle and coordinated these expenditures with the candidate. Although the coordination of campaign expenditures with a candidate is strictly prohibited in most instances, the voter's approval of Proposition 34 in November of 2000 resulted in a loophole in the law that permits organizations to coordinate their expenditures with candidates when communicating with their members. Accordingly, when an organization makes "member communications," it may lawfully coordinate those communications with the candidates it supports.

In this case, however, the Committee mailed its "member communications" to individuals in 323 households in District 8 who are not members of the Republican Party. Because those mailers were not truly "member communications," they became subject to the rules that govern regular campaign advertisements. Under these rules, payments for campaign advertisements that are coordinated with a candidate are considered contributions to the

candidate. Contributions to a City candidate are limited to \$250 per contributor per election, and may not be made by an organization. When the Committee paid to send the mailers to the 323 non-Republican households, it unlawfully made contributions to candidate Aclé that exceeded the \$250 per election limit and violated the prohibition on contributions from organizations.

Although the Commission's investigation revealed that the Committee instructed its vendor to limit the mailing list to Republican households, the amount of the fine reflects the fact that the Committee was notified about the potential problem concerning two of its member communications on January 3, 2006, and yet still chose to go forward with a third member communication later the same day. Ms. Fulhorst clarified that the Commission's actions in this matter should not have the effect of encouraging false claims designed to hinder a political opponent's ability to timely distribute campaign materials. Instead, the Commission hopes to emphasize the importance of committees closely monitoring their vendors to ensure that member communications are truly limited to the members of the applicable organization.

The Commission Chair, Dorothy Leonard, stated that because the exemption for member communications exists in state law, the Commission may consider proposing a local law that would prohibit the coordination of member communications with candidates. She explained that the City of San Diego is permitted to adopt laws that are more restrictive than state law, and added that prohibiting coordination "may be necessary to prevent the circumvention of contribution limits."

Ethics Commission fines are paid to the City of San Diego's General Fund. The stipulated settlements approved by the Commission resolve all factual and legal issues without the necessity of holding an administrative hearing.

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