

ORDINANCE NUMBER O- 19676 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 08 2007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 7, DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.2930, RELATING TO THE CITY OF SAN DIEGO ELECTION CAMPAIGN CONTROL ORDINANCE.

WHEREAS, pursuant to San Diego Municipal Code section 26.0414, the City of San Diego Ethics Commission has the responsibility of regularly reviewing the City's Election Campaign Control Ordinance [ECCO], and proposing updates to those laws to the City Council for its approval; and

WHEREAS, the provisions of ECCO limit the amount of contributions that an individual may give to a campaign committee to support or oppose a candidate in a single election; and

WHEREAS, the provisions of ECCO also require campaign committees to identify on their campaign disclosure forms the particular election for which a contribution has been designated, but do not expressly require those committees to identify the cumulative amount of contributions that a contributor has given for that election; and

WHEREAS, requiring campaign committees to identify the amount of an individual's cumulative per-election contributions on a campaign disclosure statement is a fundamental method by which the individual's compliance with the City's contribution limits may be monitored; and

WHEREAS, the Ethics Commission has proposed amending ECCO to require that campaign committees identify the amount of an individual's cumulative per-election contributions on their campaign disclosure statements; and

WHEREAS, the City Council concurs with the proposal recommended by the Ethics Commission; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 7, Division 29 of the San Diego Municipal Code is hereby amended by amending section 27.2930, to read as follows:

§27.2930 Base Level of Campaign Statements and Disclosures

Each *candidate* and *committee* shall file campaign statements in the time and manner required by California Government Code sections 81000 *et seq.* and title 2 of the California Code of Regulations with the following additional requirements:

- (a) All *candidate* and *committee* campaign disclosure statements that are generated from the output of a computer software program shall be generated with the names of all contributors listed in alphabetical order by last name. *Treasurers* for any *committee* that files handwritten campaign disclosure statements shall make reasonable good faith efforts to list the names of all contributors in alphabetical order by last name.
- (b) A *general purpose recipient committee* attributing *contributions* pursuant to section 27.2936 totaling \$100 or more to the same individual for purposes of supporting or opposing a *candidate* in an *election* shall, within six months of the attribution, separately disclose such *contributions* on a campaign statement filed with the *City Clerk* by supplying all identifying information regarding the contributor, reporting the date of the attribution as the "date received," showing the amount attributed to the individual at that time,

identifying the applicable *candidate* and *election* for which the attribution was made, and indicating that the *contribution* is being re-reported per San Diego Municipal Code section 27.2930.

- (c) A *general purpose recipient committee* that submits all of the information required by subsection (b) in a supplemental document attached to a campaign statement filed with the *City Clerk* will be deemed to have complied with the provisions of subsection (b).
- (d) Any payment made by a political party for *member communications* to its members who are registered with that party and that would otherwise qualify as a *contribution* or *expenditure* shall be reported on that political party's campaign disclosure statement in a manner that identifies the payment as a "member communication."
- (e) *Contributions* shall be reported in a manner consistent with the provisions of title 2, section 18421.1 of the California Code of Regulations, except that a monetary *contribution* is deemed to have been made or received only after a *candidate* or *committee* obtains:
 - (1) possession or control of the check or other negotiable instrument by which the contribution is made, and
 - (2) possession of all of the information required by California Government Code section 84211.
- (f) When reporting *contributions* for regularly scheduled *City candidate elections, candidates* and *committees* shall include the notation "(P)" for all *contributions* that the contributor has designated for a primary *election*, and

shall include the notation "(G)" for all *contributions* that the contributor has designated for a general *election*. In instances where the contributor has not designated his or her *contribution* for a particular *election*, the *candidate* or *committee* shall include the notation "(P)" for all *contributions* the *candidate* or *committee* has allocated for the primary *election*, and shall include the notation "(G)" for all *contributions* the *candidate* or *committee* has allocated for the general *election*.

- (g) When reporting *contributions* for specially scheduled *City candidate elections, candidates* and *committees* shall include the notation "(S)" for all *contributions* that the contributor has designated for a *special election*, and shall include the notation "(R)" for all *contributions* that the contributor has designated for a *special run-off election*. In instances where the contributor has not designated his or her *contribution* for a particular *election*, the *candidate* or *committee* shall include the notation "(S)" for all *contributions* the *candidate* or *committee* has allocated for the *special election*, and shall include the notation "(R)" for all *contributions* the *candidate* or *committee* has allocated for the *special run-off election*.
- (h) In conjunction with making the notations required by subsections (f) and (g), *candidates* and *committees* shall disclose the cumulative amount of *contributions* received from the contributor for each *election*.
- (i) *Sponsors* and *sponsored committees* participating in *City elections* are subject to the reporting obligations set forth in title 2, section 18419 of the California Code of Regulations.


- (j) It is unlawful to fail to comply with the disclosure requirements of California Government Code sections 81000 *et seq.*, the disclosure requirements of title 2 of the California Code of Regulations, and the additional requirements of this section.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Catherine M. Bradley
Chief Deputy City Attorney

CMB:als
09/25/07
Or.Dept:Ethics Comm.
O-2008-32

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 30 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11-8-01
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor