

ORDINANCE NUMBER O- 20572 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 28 2015

AN ORDINANCE 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 these laws to the City Council (Council) for its approval; and

WHEREAS, on May 14, 2015, the Council's Charter Review Committee requested that the Ethics Commission consider amendments to ECCO that would require additional disclosures relating to money raised and spent during the signature-gathering phase of initiative and referendum efforts; and

WHEREAS, the Ethics Commission conducted several public workshops discussing proposals to increase the transparency of financial activity taking place during the signature gathering phase; and

WHEREAS, the Ethics Commission then proposed to the Council amendments to ECCO that would require campaign committees supporting or opposing an initiative or referendum petition drive to make additional disclosures regarding: (1) contributions received before and during the signature-gathering phase, and (2) independent expenditures made during the signature-gathering phase; and

WHEREAS, in an August 24, 2015 memorandum to the Council, the Ethics Commission summarized its recommendations and reasons for the proposed ECCO amendments; and

WHEREAS, the Council has considered the recommendations of 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 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) through (f) [No change in text.]

(g) Every *City primarily formed recipient committee* formed to support or oppose the qualification of an initiative or referendum *measure* prior to the commencement of the *petition* drive shall, within 10 calendar days of the commencement of the *petition* drive, file a Fair Political Practices Commission Form 497 with the *City Clerk* disclosing all *contributions* of \$100 or more received after the closing date of its most recent Fair Political Practices Commission Form 460, or if the *primarily formed recipient committee* has not previously filed a Form 460, the Form 497 shall instead disclose all *contributions* of \$100 or more received since January 1 of that year.

- (1) For purposes of subsections (g) and (h), a *petition* drive commences when the proponent of an initiative or referendum *measure* begins circulating a *petition* for signatures.
  - (2) The Form 497 shall have a closing date of the day immediately preceding the commencement of the *petition* drive.
  - (3) The Form 497, if not filed electronically in accordance with section 27.2931, shall be filed using a shipping service with delivery guaranteed no later than 12 calendar days after the commencement of the *petition* circulation.
- (h) For the period of time that begins with the commencement of a *petition* drive to qualify an initiative or referendum *measure* and concludes with the day that the *petition* is submitted to the *City Clerk*:
- (1) every *City primarily formed recipient committee* formed to support or oppose the qualification of the *measure* shall file with the *City Clerk*, within 24 hours of receiving a *contribution* of \$1,000 or more, a Fair Political Practices Commission Form 497 disclosing the receipt of that *contribution*.
  - (2) every *City committee* that is not formed to support or oppose the qualification of the *measure* shall file with the *City Clerk*, within 24 hours of making an *independent expenditure* of \$1,000 or more supporting or opposing the qualification of the *measure*, a Fair Political Practices Commission Form 496 disclosing the making of the *independent expenditure* and the *committee's* receipt of

*contributions* of \$100 or more received after the closing date of the *committee's* last campaign statement.


(3) The Forms 496 and 497, if not filed electronically in accordance with section 27.2931, shall be filed using personal delivery, facsimile transmission, or guaranteed overnight delivery. For purposes of this subsection, the filing deadline is not extended for weekends or holidays.

(i) 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: JAN I. GOLDSMITH, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:jdf  
09/17/15  
Or.Dept: Ethics Commission  
Doc. No.: 1094034\_3

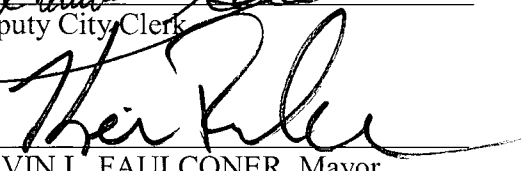
I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 20 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: \_\_\_\_\_

10/26/15  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_

(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

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AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7,  
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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) through (f) [No change in text.]

(g) ~~It is unlawful to fail to comply with the disclosure requirements of California Government Code section 81000 *et seq.*, the disclosure requirements of title 2 of the California Code of Regulations, and the additional requirements of this section.~~ Every City primarily formed recipient committee formed to support or oppose the qualification of an initiative or referendum measure prior to the commencement of the petition drive shall, within 10 calendar days of the commencement of the petition drive, file a Fair Political Practices Commission Form 497 with the City Clerk disclosing all contributions of \$100 or more received after

the closing date of its most recent Fair Political Practices Commission Form 460, or if the *primarily formed recipient committee* has not previously filed a Form 460, the Form 497 shall instead disclose all *contributions* of \$100 or more received since January 1 of that year.

(1) For purposes of subsections (g) and (h), a *petition drive* commences when the proponent of an initiative or referendum *measure* begins circulating a *petition* for signatures.

(2) The Form 497 shall have a closing date of the day immediately preceding the commencement of the *petition drive*.

(3) The Form 497, if not filed electronically in accordance with section 27.2931, shall be filed using a shipping service with delivery guaranteed no later than 12 calendar days after the commencement of the *petition* circulation.

(h) For the period of time that begins with the commencement of a *petition drive* to qualify an initiative or referendum *measure* and concludes with the day that the *petition* is submitted to the *City Clerk*:

(1) every *City primarily formed recipient committee* formed to support or oppose the qualification of the *measure* shall file with the *City Clerk*, within 24 hours of receiving a *contribution* of \$1,000 or more, a Fair Political Practices Commission Form 497 disclosing the receipt of that *contribution*.

- (2) every City committee that is not formed to support or oppose the qualification of the measure shall file with the City Clerk, within 24 hours of making an independent expenditure of \$1,000 or more supporting or opposing the qualification of the measure, a Fair Political Practices Commission Form 496 disclosing the making of the independent expenditure and the committee's receipt of contributions of \$100 or more received after the closing date of the committee's last campaign statement.
- (3) The Forms 496 and 497, if not filed electronically in accordance with section 27.2931, shall be filed using personal delivery, facsimile transmission, or guaranteed overnight delivery. For purposes of this subsection, the filing deadline is not extended for weekends or holidays.
- (i) 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.

SBS:jdf  
09/17/15  
Or.Dept: Ethics Commission  
Doc. No.: 1094623\_3



Passed by the Council of The City of San Diego on OCT 20 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 28 2015.

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 06 2015, and on OCT 28 2015.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20572