

**SAN DIEGO ETHICS COMMISSION REVIEW OF THE CITY'S
Election Campaign Control Ordinance**

PROPOSED AMENDMENTS

Rev. April 17, 2012

**Chapter 2: Government
Article 7: Elections, Campaign Finance and Lobbying
Division 29: Election Campaign Control Ordinance**

§27.2930 Base Level of Campaign Statements and Disclosures

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- (b) Every political party committee making a contribution to a City candidate shall attribute that contribution to one or more individuals in accordance with section 27.2934. Each attribution shall be reported on a statement signed by the political party committee's treasurer and filed with the City Clerk. The committee shall file the statement within 10 calendar days of making the contribution to the candidate, except that the statement shall be filed within 48 hours if the contribution was made during the 10 calendar days preceding the election. The committee shall maintain for a period of at least 4 years following the contribution sufficient records to verify its receipt of funds from each individual identified on the statement. The statement shall contain the following information:
- (1) the name of the City candidate receiving the contribution;
 - (2) the election for which the contribution is being made;
 - (3) the amount of the contribution;
 - (4) the date the contribution was made; and,
 - (5) for each individual to whom the contribution is being attributed, in alphabetical order by last name:
 - (A) the name of the individual;
 - (B) the amount of the contribution attributed to the individual; and,
 - (C) the cumulative amount attributed to the individual for the candidate and election identified in subsections (b)(1) and (b)(2).

27.2934 Contribution Limitations for Political Party Committees

- (a) A political party committee shall not be prohibited from making contributions to a candidate or controlled committee in a City candidate election, but shall be subject to the prohibitions and obligations set forth in this section *{note that this language, including what constitutes a “political party committee,” is subject to change depending on the Commission’s choice of options below}*.

DECISION POINT 1

{Option A: Set a dollar limit applicable to each political party; consider different limits for District and Citywide elections}

- (b) It is unlawful for a political party committee to make, or for a candidate or controlled committee to solicit or accept, a contribution that would cause the total amount contributed by the political party committee to the candidate and the candidate’s controlled committee to exceed \$_____ for any single City candidate election. *{Higher amount for Citywide election? \$_____}*

{Option B: Set an aggregate dollar limit applicable to all committees of the same political party; consider different limits for District and Citywide elections}

- (b) It is unlawful for a political party committee to make, or for a candidate or controlled committee to solicit or accept, a contribution that would cause the total amount contributed by all local, state, and federal committees of the same political party to the candidate and the candidate’s controlled committee to exceed \$_____ for any single City candidate election. *{Higher amount for Citywide election? \$_____}*

{Option C: Set a dollar limit applicable to political parties in San Diego County; parties in other jurisdictions banned from making contributions; consider different limits for District and Citywide elections}

- (b) It is unlawful for a political party committee organized in and operating within the County of San Diego to make, or for a candidate or controlled committee to solicit or accept, a contribution that would cause the total amount contributed by the political party committee to the candidate and the candidate’s controlled committee to exceed \$_____ for any single City candidate election. *{Higher amount for Citywide election? \$_____}*

{Option D: Set a dollar limit applicable to political parties in San Diego County and statewide political parties; parties in other jurisdictions banned from making contributions; consider different limits for District and Citywide elections}

- (b) It is unlawful for a political party committee organized in and operating within the County of San Diego or a California statewide political party committee to make, or for a candidate or controlled committee to solicit or accept, a contribution that would

cause the total amount contributed by the political party committee to the candidate and the candidate's controlled committee to exceed \$_____ for any single City candidate election. *{Higher amount for Citywide election? \$_____}*

{no decision points for subsections (c) or (d)}

- (c) It is unlawful for a political party committee to make a contribution to a City candidate unless the contribution is attributable to donations received from one or more individuals.
- (d) It is unlawful for a political party committee to make a contribution to a City candidate by attributing more than \$500 to the same individual per candidate per election.

DECISION POINT 2

{Option A: Prohibit a political party committee from making a contribution if the committee's financial records show that the contribution would necessarily use non-conforming funds.}

- (e) It is unlawful for a political party committee to make a contribution to a City candidate if it is apparent from the committee's financial records that donations from non-individuals or donations from individuals in excess of \$500 were used to fund the contribution.

{Option B: Allow political party committee to use non-conforming funds to make a contribution so long as it can still attribute the contribution to donations received at an earlier time.}

- (e) [no prohibition]

DECISION POINT 3

{Option A: Set a time limit in years on how far back a political party committee may go to find individual contributions to which its candidate contribution will be attributed}

- (f) It is unlawful for a political party committee to attribute a contribution to an individual unless that individual provided the political party committee with the attributed amount within the previous ____ years.

{Option B: Set an "anchor date" based on January 1 of the previous odd-numbered year (e.g., January 1, 2011, for a contribution made in April of 2012; January 1, 2011, for a contribution made in June of 2011) for how far back a political party committee may go to find individual contributions to which its candidate contribution will be attributed.}

- (f) It is unlawful for a political party committee to attribute a contribution to an individual unless that individual provided the political party committee with the attributed amount on or after January 1 of the most recent odd-numbered year.

{Option C: Set an “anchor date” based on January 1 two odd-numbered years ago (e.g., January 1, 2009, for a contribution made in April of 2012; January 1, 2009, for a contribution made in June of 2011) for how far back a political party committee may go to find individual contributions to which its candidate contribution will be attributed.}

- (f) It is unlawful for a political party committee to attribute a contribution to an individual unless that individual provided the political party committee with the attributed amount on or after January 1 of the second most recent odd-numbered year.

{Option D: Set an “anchor date” based on January 1 of the previous year (e.g., January 1, 2011, for a contribution made in April of 2012; January 1, 2010, for a contribution made in June of 2011) for how far back a political party committee may go to find individual contributions to which its candidate contribution will be attributed.}

- (f) It is unlawful for a political party committee to attribute a contribution to an individual unless that individual provided the political party committee with the attributed amount on or after January 1 of the preceding year.

{Option E: Set an “anchor date” based on when candidates may start soliciting and accepting contributions (e.g., June 5, 2011, for a contribution made in April of 2012; June 5, 2011, for a contribution made in June of 2011) for how far back a political party committee may go to find individual contributions to which its candidate contribution will be attributed.}

- (f) It is unlawful for a political party committee to attribute a contribution to an individual unless that individual provided the political party committee with the attributed amount after the commencement of the twelve month period preceding the date of the primary election in which the candidate is seeking office.

{Option F: Do not set a time limit on how far back a political party committee may go to find a contribution to which its contribution will be attributed; no change to current law}

- (f) [no limit]

{no decision points for subsections (g) through (i)}

- (g) It is unlawful for any portion of an individual’s donation used by a political party committee for attribution purposes to be used again as a funding source for a different attribution made under this section.
- (h) A political party committee attributing a contribution to one or more individuals for the purpose of making a contribution to a candidate or controlled committee in a City candidate election shall comply with the reporting requirements set forth in section 27.2930(b).
- (i) The dollar amounts set forth in subsections (b) and (d) are subject to changes in the Consumer Price Index as described in section 27.2937.