

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

PROPOSED AMENDMENTS

June 19, 2014

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

27.2947 Duplication of a Candidate's Campaign Materials

- (a) Any *committee* that makes a *payment* for distributing or disseminating an advertisement that duplicates, reproduces, or republishes a *candidate's* campaign materials has made a *contribution* to the *candidate* for purposes of the *contribution* limits and source prohibitions set forth in sections 27.2934, 27.2935, 27.2950, and 27.2951.
- (b) The "making" of a *contribution* to a *candidate* under subsection (a) does not mean that the *candidate* has "accepted" or "received" a *contribution* for purposes of *contribution* limits or source prohibitions. Accordingly, nothing in this section imposes any liability on a *candidate* whose campaign materials were duplicated, reproduced, or republished.
- (c) The provisions of this section apply to a *committee's* advertisement in support of a *candidate* that uses materials created, prepared, or obtained by the *candidate* or the *candidate's controlled committee* for campaign purposes, including, but not limited to, mailers; flyers; pamphlets; door hangers; walking cards; posters; yard signs; billboards; banners and large signs; business cards; campaign buttons; bumper stickers; newspaper, magazine, television, radio, and Internet advertisements; photographs; audio recordings; and videos, regardless of whether such materials were accessible to members of the public on the Internet or through other means not requiring coordination with the *candidate* or the *candidate's controlled committee*.
- (d) The provisions of this section do not apply to:
 - (1) any written statements contained in a *candidate's* campaign materials;
 - (2) any statements made by a *candidate* while delivering a speech or speaking at a debate, forum, or similar public event in an advertisement that does not use an audio or video recording made by the *candidate* or the *candidate's controlled committee*;
 - (3) the duplication of a single photograph of the *candidate*;
 - (4) *member communications*; or,
 - (5) instances in which a *payment* was "made at the behest" of a *candidate*, as that term is defined in title 2, section 18225.7 of the California Code of Regulations. Such a *payment* is a *contribution* regardless of whether any campaign materials were duplicated, reproduced, or republished.

- (e) Nothing in this section imposes on any *candidate* or *committee* any filing obligations in addition to those set forth in California Government Code sections 81000 *et seq.* and title 2 of the California Code of Regulations.