

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

PROPOSED AMENDMENTS

July 2, 2015

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

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.

§27.2977 Identification Required on Initiative and Referendum Petitions

- (a) Every *committee* that prints or circulates an initiative or referendum *petition* shall identify itself on each of the *petition's* signature sheets in the manner set forth in Division 10 or 11 of the San Diego Municipal Code, as applicable, and outlined in the City Clerk Administrative Guidelines.
- (b) Every *City primarily formed recipient committee* subject to subsection (a) that has received at least \$10,000 from one or more contributors shall, when identifying itself on the signature page, also identify the names of its top two donors of \$10,000 or more as of the date the *petition* is printed. The identification of the donors shall be made in the manner set forth in Division 10 or 11 of the San Diego Municipal Code, as applicable, and outlined in the City Clerk Administrative Guidelines. In the event that more than two donors of identical amounts meet the threshold for the top two donors, the order of disclosure shall be made beginning with the most recent contributor of that amount.
- (c) Findings, determinations, stipulations, and orders made by the Ethics Commission in the course of administratively enforcing this section shall not be considered by any court of competent jurisdiction when evaluating the validity of the *petition* or otherwise determining whether the *petition* substantially complies with the requirements of Chapter 2, Article 7, Divisions 10 and 11 of the Municipal Code.