

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

PROPOSED AMENDMENTS

December 7, 2015

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

§27.2903 Definitions

Unless otherwise defined in this section, or the contrary is stated or clearly appears from the context, the definitions of the Political Reform Act of 1974 (Government Code sections 81000 et seq.) and the definitions contained in the regulations adopted by the Fair Political Practices Commission shall govern the interpretation of this division.

Agent through *Clearly identified measure* [No change in text.]

Committee means any *person* acting, or any combination of two or more *persons* acting jointly, who raise ~~\$1,000~~ \$2,000 or more, or make *independent expenditures* of \$1,000 or more, within a single calendar year on behalf of or in opposition to a *candidate* or for the qualification to the ballot or adoption or rejection of one or more ballot *measures*. *Committees* include *controlled committees*, *independent expenditure committees*, *primarily formed recipient committees*, and *general purpose recipient committees*.

Contribution through *Vendor* [No change in text.]

§27.2970 Mass Campaign Literature

Option A: All committee disclaimers in 14 point font

- (a) It is unlawful for any *candidate* or *committee* to pay for *mass campaign literature*, other than a yard sign, for the purpose of supporting or opposing a *City candidate* or ballot *measure* unless each item of *mass campaign literature* includes the words “paid for by” immediately followed by the name, street address, and city of that *candidate* or *committee* in a bold, sans serif typeface that is easily legible, contrasts with the background, and is no less than ~~12~~ 14 points in size.
- (b) In addition to the requirements set forth in subsection (a) it is unlawful for any *candidate* or *committee* to send *mass campaign literature* through the mail for the purpose of supporting or opposing a *City candidate* or *City measure* unless

the name, street address, and city of the *candidate* or *committee* are shown on the outside of each item of *mass campaign literature*, and on at least one of the inserts included within each piece of mail, in a bold, sans serif typeface that is easily legible, contrasts with the background, and is no less than ~~12~~ 14 points in size.

(1) through (2) [No change in text]

(c) through (f) [No change in text]

Option B: Candidate disclaimers in 12 point font; all other committees in 14 point font

(a) It is unlawful for any *candidate* or *committee* to pay for *mass campaign literature*, other than a yard sign, for the purpose of supporting or opposing a *City candidate* or ballot *measure* unless each item of *mass campaign literature* includes the words “paid for by” immediately followed by the name, street address, and city of that *candidate* or *committee* ~~in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size.~~

(b) In addition to the requirements set forth in subsection (a) it is unlawful for any *candidate* or *committee* to send *mass campaign literature* through the mail for the purpose of supporting or opposing a *City candidate* or *City measure* unless the name, street address, and city of the *candidate* or *committee* are shown on the outside of each item of *mass campaign literature*, and on at least one of the inserts included within each piece of mail, ~~in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size.~~

(1) through (2) [No change in text]

(c) For candidates and candidate-controlled committees supporting the candidate’s candidacy, the disclosures required by subsections (a) and (b) shall be in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size. For all other committees, the disclosures required by subsections (a) and (b) shall be in a bold, sans serif typeface that is easily legible, contrasts with the background, and is no less than 14 points in size.

~~(e)~~(d) It is unlawful for any *candidate* or *committee* to pay for *mass campaign literature* in the form of yard signs for the purpose of supporting or opposing a *City candidate* or ballot *measure* unless the face of each yard sign includes the words “paid for by” immediately followed by the name, street address, and city of that *candidate* or *committee* in a typeface that is easily legible, contrasts with the background, and has a height no less than five percent of the height of the yard sign.

~~(d)~~(e) For purposes of this section, an organization’s post office box may be stated in lieu of a street address if that organization’s address is a matter of public record with the Secretary of State.

~~(e)~~(f) If a *controlled committee* pays for *mass campaign literature*, the name of the *candidate* controlling the *committee* shall be included in addition to the information required by this section.

~~(f)~~(g) The requirements set forth in this section do not apply to *member communications* distributed by an organization that is not a political party, email communications, Internet web pages, or slate mailers.

§27.2973 Paid Spokespersons — Ballot Measures

- (a) A *committee* that makes an expenditure of \$5,000 or more to an individual for his or her appearance in an advertisement to support or oppose the qualification, passage, or defeat of a ballot measure shall file a report with the City Clerk within 10 days of the expenditure. The report shall identify the measure, the date of the expenditure, the name of the recipient, and the amount expended.
- (b) Any advertisement subject to the provisions of subsection (a) shall include the following statement: “(spokesperson's name) is being paid by (committee’s name) for appearing in this campaign advertisement” in a bold, sans serif typeface that is easily legible, contrasts with the background, and is no less than ~~12~~ 14 points in size if the advertisement consists of printed material, or spoken in a clearly audible format if the advertisement is a telephone message.

§27.2974 Disclosure on Advertisements in Mass Media

Option A: All committee disclaimers in 14 point font

- (a) It is unlawful for any *candidate* or *committee* to pay for advertising in a regularly published newspaper, periodical, or magazine of general circulation, or on any Internet web page, for the purpose of supporting or opposing one or more *City measures* or *candidates* for *elective City office* unless the advertisement includes the words “paid for by” followed by the name of that *candidate* or *committee*.
- (b) The disclosure statement required by subsection (a) shall be in a bold, sans serif typeface that is easily legible, contrasts with the background, and is no less than ~~12~~ 14 points in size.

Option B: Candidate disclaimers in 12 point font; all other committees in 14 point font

- (a) It is unlawful for any *candidate* or *committee* to pay for advertising in a regularly published newspaper, periodical, or magazine of general circulation, or on any Internet web page, for the purpose of supporting or opposing one or more *City measures* or *candidates* for *elective City office* unless the advertisement includes the words “paid for by” followed by the name of that *candidate* or *committee*.

- (b) For candidates and candidate-controlled committees paying for advertising supporting the candidate's candidacy, the disclosure statement required by subsection (a) shall be in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size. For all other committees, the disclosure statement required by subsection (a) shall be in a bold, sans serif typeface that is easily legible, contrasts with the background, and is no less than 14 points in size.

§27.2975 Major Funding of Advertisements Supporting or Opposing Candidates and Ballot Measures

- (a) In addition to all other applicable disclosure requirements set forth in this Division, it is unlawful for any *primarily formed recipient committee* to pay for an advertisement supporting or opposing a *City candidate* or *ballot measure* unless each *person* who has cumulatively contributed \$10,000 or more to the *committee* is identified in the advertisement as providing major funding to the *committee*.
- (1) If there are more than two donors of \$10,000 or more, the *committee* is only required to disclose the highest and second highest in that order.
 - (2) In the event that two or more donors of identical amounts meet the threshold for the top two contributors, the order of disclosure shall be made beginning with the most recent contributor of that amount.
 - (3) The disclosure shall be in a bold, sans serif typeface that is easily legible, contrasts with the background, and is no less than ~~12~~ 14 points in size, except that if the advertisement is on a yard sign, billboard, or any other large form of advertising, as defined in section 27.2972, the disclosure's typeface shall have a height no less than five percent of the height of the advertisement.
 - (4) The disclosure shall reflect information that is accurate as of the date the *committee* places the order to purchase the advertisement.

(b) through (c) [No change in text]

§27.2980 Disclosure of Electioneering Communications

- (a) Every *electioneering communication* in printed form shall include the words "paid for by" immediately followed by the name, street address, and city of the *person* who paid for the communication in a bold, sans serif typeface that is easily legible, contrasts with the background, and is no less than ~~12~~ 14 points in size.

(b) through (h) [No change in text]