

**CITY OF SAN DIEGO
ETHICS COMMISSION**

M E M O R A N D U M

DATE: December 7, 2015

TO: Chair and Members of the San Diego Ethics Commission

FROM: Stacey Fulhorst, Executive Director

SUBJECT: Proposed Amendments to Campaign Laws to Conform with Recent Changes to the Political Reform Act
Docketed for Discussion at Ethics Commission Meeting on December 10, 2015

The Governor recently signed into law two bills amending the California Political Reform Act that necessitate corresponding changes to the City's campaign laws. The first and most significant change applies to the "paid for by" disclosure required on campaign advertisements. The new law requires committees that make independent expenditures to support state or local candidates or ballot measures to include a "paid for by" disclosure in a bold, 14-point, sans serif type font. Currently, the City's campaign laws require these committees to make the disclosure in a legible 12-point type font. Because the City is permitted to adopt laws that are more - but not less - restrictive than state law, a corresponding amendment to local law is required to conform to the recently-amended state law.

Unlike the City's laws, which treat all campaign ads the same with respect to "paid for by" identification disclosures, state law only requires such disclosures on independent expenditure advertisements. In other words, campaign ads commissioned by candidates are not subject to state law identification disclosures (other than a "sender ID" required on the outside of ads disseminated via U.S. mail). Therefore, while the City must update its campaign laws to conform to the new state law requirement for independent expenditures, it is not required to do so for candidate ads. The Commission may choose to recommend the same changes for candidate ads for consistency purposes, or it may decide to recommend maintaining the current requirement (legible 12-point type).

In addition to advertising disclosures, the recent state law updates increase the committee qualification threshold from \$1,000 to \$2,000. In other words, a person or entity that receives contributions of \$2,000 or more is required to file campaign disclosure statements as a "committee." Although the City could be more restrictive than state law by maintaining its \$1,000 threshold, the Commission may want to consider recommending that local law be changed to be consistent with state law.

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Finally, the recent changes to state law eliminate duplicative filing requirements during the 90-day period preceding an election. Because the 24-hour period for late contributions and independent expenditures was previously extended from 16 days to 90 days before an election, supplemental pre-election reports and supplemental independent expenditure reports became duplicative. The City's campaign laws currently incorporate state law filing requirements by reference; consequently, the recent amendments to state law have effectively been incorporated into ECCO and no local law updates are required.

Stacey Fulhorst
Executive Director