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10/30

**CITY OF SAN DIEGO  
ETHICS COMMISSION**

**MEMORANDUM**

**DATE:** September 25, 2007

**TO:** Council President and Members of the City Council

**FROM:** Guillermo Cabrera, Chair, San Diego Ethics Commission  
Stacey Fulhorst, Executive Director, San Diego Ethics Commission

**SUBJECT:** Proposed Amendment to the Election Campaign Control Ordinance

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The foundation of the City's Election Campaign Control Ordinance [ECCO] is the disclosure of campaign contributions and expenditures on forms prescribed by the State of California and filed with the Office of the City Clerk. The form typically used to disclose these campaign activities is a Form 460, and the schedule used to disclose contributions is Schedule A (see attached). Schedule A contains various columns for the disclosure of total contributions received during the reporting period, the cumulative amount received in the calendar year, and the cumulative amount received per election.

ECCO has historically required candidates and committees to file campaign statements in the time and manner required by state law. The Ethics Commission recently discovered, however, that state law only requires state candidates to disclose the cumulative amount of contributions per election on Schedule A. In other words, it is up to local jurisdictions to add this requirement through their local ordinances.

The disclosure of the cumulative amount of contributions received from a contributor for each election is important information for the public to have, and is critical in terms of ensuring the public that candidates are abiding by the City's contribution limits. Moreover, virtually all candidates and committees that file campaign statements with the City Clerk are already disclosing this information because it is a standard function of all campaign software.

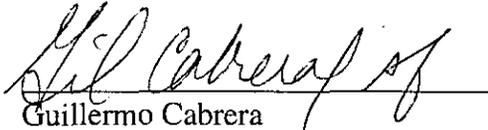
The Ethics Commission considered and approved the proposed change at its meeting on September 13, 2007. The Commission is hopeful that this amendment to ECCO will be adopted by the City Council in the very near future to ensure that candidates and committees active in the 2008 election cycle will disclose all relevant information regarding campaign contributions.

For your convenience, both clean and "strike-out" versions of ECCO reflecting the proposed change are attached. Because this amendment will not alter current disclosure practices, the

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Council President and Members of the City Council  
September 25, 2007  
Page 2

Council President has determined that it is not necessary to docket this item for consideration by the City Council Rules Committee before the matter is heard by the full City Council.

If you have any questions, please contact me at your convenience.

  
Guillermo Cabrera  
Chair, San Diego Ethics Commission

  
Stacey Fulhorst  
Executive Director, San Diego Ethics Commission

Attachments: Schedule A from Form 460  
Draft Amendment to ECCO (clean and strike-out versions)

**Schedule A  
Monetary Contributions Received**

Type or print in ink.  
Amounts may be rounded  
to whole dollars.

SCHEDULE A

Statement covers period from _____ through _____	<b>CALIFORNIA FORM 460</b>
	Page _____ of _____
I.D. NUMBER _____	

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SEE INSTRUCTIONS ON REVERSE

NAME OF FILER \_\_\_\_\_

DATE RECEIVED	FULL NAME, STREET ADDRESS AND ZIP CODE OF CONTRIBUTOR (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	CONTRIBUTOR CODE *	IF AN INDIVIDUAL, ENTER OCCUPATION AND EMPLOYER (IF SELF-EMPLOYED, ENTER NAME OF BUSINESS)	AMOUNT RECEIVED THIS PERIOD	CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)	PER ELECTION TO DATE (IF REQUIRED)
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				
		<input type="checkbox"/> IND <input type="checkbox"/> COM <input type="checkbox"/> OTH <input type="checkbox"/> PTY <input type="checkbox"/> SCC				

**SUBTOTAL \$** \_\_\_\_\_

**Schedule A Summary**

- Amount received this period – contributions of \$100 or more.  
(Include all Schedule A subtotals.) ..... \$ \_\_\_\_\_
- Amount received this period – unitemized contributions of less than \$100 ..... \$ \_\_\_\_\_
- Total monetary contributions received this period.  
(Add Lines 1 and 2. Enter here and on the Summary Page, Column A, Line 1.) ..... **TOTAL \$** \_\_\_\_\_

\*Contributor Codes  
IND – Individual  
COM – Recipient Committee  
(other than PTY or SCC)  
OTH – Other  
PTY – Political Party  
SCC – Small Contributor Committee

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REQUEST FOR COUNCIL ACTION  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 52  
10/30

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): ETHICS COMMISSION

09/25/07

4. SUBJECT: Amendment to the Election Campaign Control Ordinance

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)  
Stacey Fulhorst; 533-3476; MS615E

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)  
Stephen Ross; 533-3476; MS615E

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Stacey Fulhorst</i>	9/25/07	8	DEPUTY CHIEF		
2				9	COO		
3				10	CITY ATTORNEY	<i>Catherine Stapleton</i>	9/25/07
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT	<i>Stacey Fulhorst</i>	9/26/07
5					DOCKET COORD:	<i>[Signature]</i>	COUNCIL LIAISON: <i>[Signature]</i>
6					COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT
7					<input type="checkbox"/> REFER TO:		COUNCIL DATE: 10/9/07

11. PREPARATION OF:  RESOLUTION(S)  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

Amendment to the Election Campaign Control Ordinance

11A. STAFF RECOMMENDATIONS: Approve proposed amendment.

12. SPECIAL CONDITIONS:  
COUNCIL DISTRICT(S):  
COMMUNITY AREA(S):  
ENVIRONMENTAL IMPACT:  
HOUSING IMPACT:  
OTHER ISSUES:

000061

**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED: September 25, 2007  
ATTENTION: San Diego City Council  
ORIGINATING DEPARTMENT: Ethics Commission  
SUBJECT: Amendment to the Election Campaign Control Ordinance

CONTACT/PHONE NUMBER: Stacey Fulhorst / 533-3476

REQUESTED ACTION:

Approve the proposed change to the Election Campaign Control Ordinance.

STAFF RECOMMENDATION:

Approve the proposed change.

EXECUTIVE SUMMARY:

The proposed amendment to the Election Campaign Control Ordinance is discussed in the attached memorandum from the Ethics Commission Chair and Executive Director dated September 25, 2007, and reflected in the attached strike-out version of the ordinance. The proposed amendment would require candidates and committees to disclose the cumulative amount of contributions received from each contributor for each election. Although this express requirement does not currently exist, virtually all candidates and committees already report this information on campaign disclosure statements.

FISCAL CONSIDERATIONS:

None

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

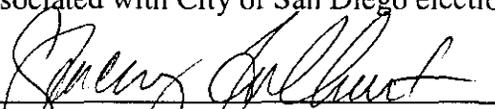
None. Council President Peters determined that it was not necessary for this item to be considered by the City Council Rules Committee before it was heard by the full City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Public discussion at the Ethics Commission meeting on September 13, 2007

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Candidates and committees that file campaign statements with the City Clerk reflecting activity associated with City of San Diego elections.

  
\_\_\_\_\_  
Stacey Fulhorst, Executive Director  
City of San Diego Ethics Commission

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 7, DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.2930, RELATING TO THE CITY OF SAN DIEGO ELECTION CAMPAIGN CONTROL ORDINANCE.

WHEREAS, pursuant to San Diego Municipal Code section 26.0414, the City of San Diego Ethics Commission has the responsibility of regularly reviewing the City's Election Campaign Control Ordinance [ECCO], and proposing updates to those laws to the City Council for its approval; and

WHEREAS, the provisions of ECCO limit the amount of contributions that an individual may give to a campaign committee to support or oppose a candidate in a single election; and

WHEREAS, the provisions of ECCO also require campaign committees to identify on their campaign disclosure forms the particular election for which a contribution has been designated, but do not expressly require those committees to identify the cumulative amount of contributions that a contributor has given for that election; and

WHEREAS, requiring campaign committees to identify the amount of an individual's cumulative per-election contributions on a campaign disclosure statement is a fundamental method by which the individual's compliance with the City's contribution limits may be monitored; and

WHEREAS, the Ethics Commission has proposed amending ECCO to require that campaign committees identify the amount of an individual's cumulative per-election contributions on their campaign disclosure statements; and

WHEREAS, the City Council concurs with the proposal recommended by the Ethics Commission; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 7, Division 29 of the San Diego Municipal Code is hereby amended by amending section 27.2930, to read as follows:

**§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) All *candidate* and *committee* campaign disclosure statements that are generated from the output of a computer software program shall be generated with the names of all contributors listed in alphabetical order by last name. *Treasurers* for any *committee* that files handwritten campaign disclosure statements shall make reasonable good faith efforts to list the names of all contributors in alphabetical order by last name.
- (b) A *general purpose recipient committee* attributing *contributions* pursuant to section 27.2936 totaling \$100 or more to the same individual for purposes of supporting or opposing a *candidate* in an *election* shall, within six months of the attribution, separately disclose such *contributions* on a campaign statement filed with the *City Clerk* by supplying all identifying information regarding the contributor, reporting the date of the attribution as the "date received," showing the amount attributed to the individual at that time,

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identifying the applicable *candidate* and *election* for which the attribution was made, and indicating that the *contribution* is being re-reported per San Diego Municipal Code section 27.2930.

- (c) A *general purpose recipient committee* that submits all of the information required by subsection (b) in a supplemental document attached to a campaign statement filed with the *City Clerk* will be deemed to have complied with the provisions of subsection (b).
- (d) Any payment made by a political party for *member communications* to its members who are registered with that party and that would otherwise qualify as a *contribution* or *expenditure* shall be reported on that political party's campaign disclosure statement in a manner that identifies the payment as a "member communication."
- (e) *Contributions* shall be reported in a manner consistent with the provisions of title 2, section 18421.1 of the California Code of Regulations, except that a monetary *contribution* is deemed to have been made or received only after a *candidate* or *committee* obtains:
  - (1) possession or control of the check or other negotiable instrument by which the contribution is made, and
  - (2) possession of all of the information required by California Government Code section 84211.
- (f) When reporting *contributions* for regularly scheduled *City candidate elections*, *candidates* and *committees* shall include the notation "(P)" for all *contributions* that the contributor has designated for a primary *election*, and

shall include the notation "(G)" for all *contributions* that the contributor has designated for a general *election*. In instances where the contributor has not designated his or her *contribution* for a particular *election*, the *candidate* or *committee* shall include the notation "(P)" for all *contributions* the *candidate* or *committee* has allocated for the primary *election*, and shall include the notation "(G)" for all *contributions* the *candidate* or *committee* has allocated for the general *election*.

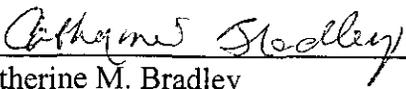
- (g) When reporting *contributions* for specially scheduled *City candidate elections, candidates* and *committees* shall include the notation "(S)" for all *contributions* that the contributor has designated for a *special election*, and shall include the notation "(R)" for all *contributions* that the contributor has designated for a *special run-off election*. In instances where the contributor has not designated his or her *contribution* for a particular *election*, the *candidate* or *committee* shall include the notation "(S)" for all *contributions* the *candidate* or *committee* has allocated for the *special election*, and shall include the notation "(R)" for all *contributions* the *candidate* or *committee* has allocated for the *special run-off election*.
- (h) In conjunction with making the notations required by subsections (f) and (g), *candidates* and *committees* shall disclose the cumulative amount of *contributions* received from the contributor for each *election*.
- (i) *Sponsors* and *sponsored committees* participating in *City elections* are subject to the reporting obligations set forth in title 2, section 18419 of the California Code of Regulations.

- (j) 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.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Catherine M. Bradley  
Chief Deputy City Attorney

CMB:als  
09/25/07  
Or.Dept:Ethics Comm.  
O-2008-32

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I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck-Out~~**  
**NEW LANGUAGE: Underlined**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

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**§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)-(g) [No change in text.]

(h) In conjunction with making the notations required by subsections (f) and (g), candidates and committees shall disclose the cumulative amount of contributions received from the contributor for each election.

~~(h)~~(i) *Sponsors and sponsored committees* participating in *City elections* are subject to the reporting obligations set forth in title 2, section 18419 of the California Code of Regulations.

~~(i)~~(j) It is unlawful to fail to comply with the disclosure requirements of California Government Code sections 81000 *et seq.*, the disclosure

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(O-2008-32)

requirements of title 2 of the California Code of Regulations, and the  
additional requirements of this section.

CMB:als  
09/25/07  
Or.Dept:Ethics Comm.  
O-2008-32