

ORDINANCE NUMBER O- **20941** (NEW SERIES)DATE OF FINAL PASSAGE **JUN 14 2018**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7,
DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 27.2903, 27.2925 AND, 27.2959;
RETITLING AND AMENDING SECTION 27.2970;
REPEALING SECTIONS 27.2971, 27.2972, 27.9273 AND
27.2974; RETITLING AND AMENDING SECTIONS 27.2975
AND 27.2976; AND AMENDING SECTION 27.2980,
RELATING TO THE SAN DIEGO MUNICIPAL ELECTION
CAMPAIGN CONTROL ORDINANCE AND CAMPAIGN
ADVERTISING DISCLOSURES.

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

WHEREAS, Division 29 of ECCO includes provisions related to campaign advertising;
and

WHEREAS, the California State Assembly recently changed certain state laws governing
campaign advertising through Assembly Bill 249, effective January 1, 2018; and

WHEREAS, the City's municipal campaign advertising laws may not be less restrictive
than those imposed at the state level, but are allowed to be more restrictive; and

WHEREAS, the Ethics Commission has identified local laws that require amendments to
bring them into compliance with and, in some cases, mirror state law, has approved such
amendments, and now recommends that such amendments be adopted in this ordinance; and

WHEREAS, new rules relate to printed materials, signs, telephone calls, television and
radio advertisements, newspaper and magazine advertisements, and paid Internet ads; and

WHEREAS, new requirements also include detailed formatting requirements; and

WHEREAS, amendments would repeal almost all of the current advertising disclosure rules in ECCO, creating consistency with state law for political committees; and

WHEREAS, amendments would incorporate state law by reference found in the California Government Code and Regulations of the California Fair Political Practices Commission, rather than delineate all state law in the Municipal Code, helping to avoid the need for future Municipal Code amendments as state laws continue to be amended; and

WHEREAS, in many instances state laws exempt candidate advertisements from disclosure requirements, but City candidates have been required since 2005 to include “paid for by” disclosures on all advertisements; and

WHEREAS, the Ethics Commission proposes to retain City laws requiring such disclosures, but apply the least restrictive formatting requirements in the new state laws to such disclosures; and

WHEREAS, new state laws regarding disclosure of major donors require primarily formed committees to identify their top three donors of \$50,000 or more on campaign advertisements, while the City has required disclosure of the top two donors of \$10,000 or more since 2013; and

WHEREAS, the Ethics Commission maintains that donations between \$10,000 and \$50,000 can significantly impact municipal elections, and thus such donations must be prominently disclosed; and

WHEREAS, the Ethics Commission thus proposes that advertisements be required to refer to a website, after providing a “paid for by” disclosure, stating “Funding Details at

- (4) that any *candidate* or *committee* comply with California Government Code section 84506.5; or
- (5) that any *general purpose recipient committee* disclose its “top contributors” on campaign advertisements; or
- (6) that is applicable to any slate mailer organization.
- (g) Nothing in this section relieves any *candidate* or *committee* from its obligation to comply with the advertising disclosure requirements included in state law.

§27.2975 Major Funding of Primarily Formed Recipient Committees

- (a) Every *primarily formed recipient committee* shall notify the City of San Diego Ethics Commission within three business days of receiving *contributions* cumulatively totaling \$10,000 or more from a single contributor. The notice shall be sent by email and include:
 - (1) the *committee*’s full name and identification number;
 - (2) the contributor’s name; and
 - (3) if the contributor is a *primarily formed recipient committee* or a *general purpose recipient committee*, the contributor’s identification number.
- (b) The information provided shall be made available to the public on the City of San Diego Ethics Commission’s website.
- (c) The aggregation rules of California Government Code section 85311 and any implementing regulations adopted by the California Fair

www.sandiego.gov/donors,” and donors of \$10,000 or more would be listed on the Ethics Commission’s website; and

WHEREAS, the website disclosure provisions are modeled on state law applicable to state committees, which will create consistency, but be simpler as the City’s provisions will not require ranking donors or updating dollar amounts; and

WHEREAS, additional amendments will update definitions and record retention laws, and also include housekeeping changes; and

WHEREAS, the City Council’s Rules Committee heard and approved the proposed amendments on April 11, 2018, and voted unanimously to forward the amendments to Council for adoption; and

WHEREAS, the amendments are proposed now so that they will take effect before the November 6, 2018 Municipal General Election and Municipal Special Election are called; NOW, THEREFORE,

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

Section 1. Chapter 2, Article 7, Division 29 of the San Diego Municipal Code is amended by amending sections 27.2903, 27.2925, and 27.2959; retitling and amending section 27.2970; repealing sections 27.2971, 27.2972, 27.2973, and 27.2974; retitling and amending sections 27.2975 and 27.2976; and amending section 27.2980, relating to the San Diego Municipal Election Campaign Control Ordinance and campaign advertising disclosures, to read as follows:

§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 *Assistant Treasurer* [No change in text]

Campaign literature means any printed communication that is authorized and paid for by a *candidate* or *committee* for the purpose of supporting or opposing one or more *City candidates* or *City measures*, including, but not limited to, mailers, flyers, pamphlets, door hangers, walking cards, posters, yard signs, billboards, business cards, campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger, regardless of whether distributed through the mail, by campaign workers, or any other means. *Campaign literature* does not include pens, pencils, or other similarly small promotional items on which the disclosures required by this Division cannot reasonably be printed or displayed in an easily legible typeface; wearing apparel; skywriting; communication from an organization to its members, other than a communication from a political party to its members; or any web-based or Internet-based communication.

Candidate through *Elective City office* [No change in text]

Electronic media communication means any electronic mass media communication that is authorized and paid for by a *candidate* or *committee* for

the purpose of supporting or opposing one or more *City candidates* or *City measures*, including, but not limited to, television advertisements; radio advertisements; and video, audio, and written advertisements disseminated over the Internet. *Electronic media communications* do not include email communications; text messages; social media posts; or websites under the control of a *candidate* or *committee*.

Enforcement Authority through *Independent expenditure committee* [No change in text]

Measure through *Sponsored Committee* [No change in text]

Telephone communications mean any live or recorded telephone calls that are authorized or paid for by a *candidate* or *committee* for the purpose of supporting or opposing one or more *City candidates* or *City measures*.

Treasurer through *Vendor* [No change in text]

§27.2925 Accounting and Recordkeeping

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

(c) Every *candidate* or *committee* paying for campaign advertisements supporting or opposing one or more *City candidates* or *City measures* shall maintain records in accordance with the following requirements:

- (1) for *campaign literature*, records that identify the date(s) of dissemination, the number of pieces disseminated, and the method of dissemination, as well as an original sample of each item of *campaign literature* disseminated by the *candidate* or *committee*,

except that an advertising proof or comparable image of the item in printed or electronic format will comply with this requirement when the size of the item makes maintaining an original sample impracticable;

- (2) for *telephone communications*, records that identify the date(s) the telephone calls were made and the number of calls made, as well as a transcript of the messages communicated and a copy of any recorded messages; and
- (3) for *electronic media communications*, newspapers, magazines, and periodicals, records that identify the publication or website or media outlet where the advertisement appeared, the date(s) the advertisements appeared, the content and size of the requisite “paid for by” disclosure, as well as an advertising proof or comparable image or recording of the advertisement in printed or electronic format.

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

§27.2959 Extensions of Vendor Credit – Primarily Formed Recipient Committees

- (a) [No change in text]
- (b) A *primarily formed recipient committee* may not accept credit from a *vendor*, but shall instead pay the *vendor* in full from existing funds at the time of placing the order, if all three of the following conditions are met:
 - (1) through (2) [No change in text]

- (3) the identity of the *committee's sponsors* or contributors of \$10,000 or more would change if any *person* made a *contribution* to the *committee* in an amount equal to the *committee's* advertising debt liability.
- (c) For purposes of this section:
 - (1) “a campaign advertisement” means any tangible or intangible campaign content that requires a “paid for by” or similar funding disclosure under section 27.2970;
 - (2) through (4) [No change in text]

§27.2970 Disclosures on Campaign Advertisements

- (a) Subject to the additional requirements and exceptions expressly noted in section 27.2970, and limited to advertisements concerning *City candidates* and *City measures*, the campaign advertising disclosure rules included in the Political Reform Act of 1974, as amended, including but not limited to California Government Code sections 84305 through 84511, and the regulations of the California Fair Political Practices Commission, as amended, including but not limited to Regulations 18440 through 18450.11, are adopted by reference and incorporated into the San Diego Municipal Election Campaign Control Ordinance as if fully set forth herein.
- (b) When a *candidate* or *candidate-controlled committee* established for *elective City office* is not required to make a “paid for by” advertising

disclosure under state law, the *candidate* or *committee* shall make such a disclosure as if the advertisement is an *independent expenditure*.

- (c) When a *candidate* or *committee* uses volunteers to make *telephone communications*, such volunteers shall disclose the name of the *candidate* or *committee* during the communication in the same manner required of paid callers under state law, except that this disclosure may follow the words “on behalf of” instead of “paid for by.”
- (d) For purposes of identifying a *committee*’s “top contributors,” as defined in California Government Code section 84501, a *committee*’s “cumulative contributions” means the cumulative amount of *contributions* received by the *committee* since the filing of its original Statement of Organization and ending seven calendar days before the *committee* submits the advertising order.
- (e) Every *primarily formed recipient committee* that has received *contributions* cumulatively totaling \$10,000 or more from any single contributor since the filing of its original Statement of Organization shall include the text “Funding details at www.sandiego.gov/donors” on or during its campaign advertisements in the following manner:
 - (1) The disclosure statement shall be made on campaign literature, visual *electronic media communications*, and newspaper and periodical advertisements immediately below and in the same font size and format as the “paid for by” disclosure. For advertisements

disseminated over the Internet, the web address portion of the disclosure statement shall be a hyperlink whenever practicable.

- (2) The disclosure statement shall be made during *telephone communications* and audio-only *electronic media communications* immediately following the “paid for by” or “on behalf of” disclosure in the same pitch and tone as the rest of the advertisement.
 - (3) A *committee* has not violated subsection (e) by failing to include the disclosure statement on a campaign advertisement if the advertising order was placed less than seven calendar days after first receiving *contributions* cumulatively totaling \$10,000 or more from any single contributor.
- (f) Nothing in this section establishes a Municipal Code requirement:
- (1) that any *candidate* or *committee* include advertising disclosures on email communications; text messages; social media posts; or websites under the control of the *candidate* or *committee*; or
 - (2) that any *candidate* or *candidate-controlled committee* established for *elective City office* make an advertising disclosure on *telephone communications* or items sent through the U.S. mail unless already required to do so under state law; or
 - (3) that any *committee* make an advertising disclosure on a *member communication* unless already required to do so under state law; or

Political Practices Commission shall apply for purposes of identifying the *committee's* contributors.

§27.2976 Identification of Ballot Measure Committees

Within 30 days of the designation of the alphabetical order of the *measures* appearing on the ballot, any *committee* that is primarily formed to support or oppose a ballot *measure*, shall, if supporting the *measure*, include the statement, “a committee for Measure __,” or “Yes on Measure __” or, if opposing the *measure*, include the statement, “a committee against Measure __,” or “No on Measure __,” in any reference to the *committee* required by law.

§27.2980 Disclosure of Electioneering Communications

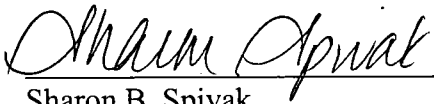
- (a) Every *electioneering communication* in printed form shall include the words “paid for by” immediately followed by the name, street address, and city of the *person* who paid for the communication in a contrasting Arial-equivalent typeface that is easily legible and no less than 10 point in size.

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

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

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



APPROVED: MARA W. ELLIOTT, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:MW:jvg
05/03/18
Or.Dept: Ethics Commission
Doc. No.: 1741114

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 12 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 6/14/18
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE**OLD LANGUAGE: ~~Struck Out~~****NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-_____ (NEW SERIES)

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REPEALING SECTIONS 27.2971, 27.2972, 27.2973 AND
27.2974; RETITLING AND AMENDING SECTIONS 27.2975
AND 27.2976; AND AMENDING SECTION 27.2980,
RELATING TO THE SAN DIEGO MUNICIPAL ELECTION
CAMPAIGN CONTROL ORDINANCE AND CAMPAIGN
ADVERTISING DISCLOSURES.

Article 7: Elections, Campaign Finance and Lobbying**Division 29: San Diego Municipal 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 Assistant Treasurer [No change in text]

Campaign literature means any printed communication that is authorized and paid
for by a candidate or committee for the purpose of supporting or opposing one or
more City candidates or City measures, including, but not limited to, mailers,
flyers, pamphlets, door hangers, walking cards, posters, yard signs, billboards,

business cards, campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger, regardless of whether distributed through the mail, by campaign workers, or any other means. Campaign literature does not include pens, pencils, or other similarly small promotional items on which the disclosures required by this Division cannot reasonably be printed or displayed in an easily legible typeface; wearing apparel; skywriting; communication from an organization to its members, other than a communication from a political party to its members; or any web-based or Internet-based communication.

Candidate through Elective City office [No change in text]

Electronic media communication means any electronic mass media communication that is authorized and paid for by a candidate or committee for the purpose of supporting or opposing one or more City candidates or City measures, including, but not limited to, television advertisements; radio advertisements; and video, audio, and written advertisements disseminated over the Internet. Electronic media communications do not include email communications; text messages; social media posts; or websites under the control of a candidate or committee.

Enforcement Authority through Independent expenditure committee [No change in text]

~~Mass campaign literature means more than 200 substantially similar pieces of campaign literature, including, but not limited to, mailers, flyers, pamphlets, door hangers, walking cards, posters, yard signs, business cards, campaign buttons 10 inches in diameter or larger, or bumper stickers 60 square inches or larger,~~

~~which are distributed within a single calendar month, regardless of whether distributed through the mail, by campaign workers, or any other means. Mass campaign literature does not include pens, pencils, or other similarly small promotional items on which the disclosures required by this division cannot reasonably be printed or displayed in an easily legible typeface; wearing apparel; skywriting; communication from an organization to its members, other than a communication from a political party to its members; or any web-based or Internet-based communication.~~

~~Mass telephone communications means live or recorded telephone calls that are substantially similar in nature to 500 or more individuals or households for the purpose of (a) supporting or opposing a clearly identified candidate or a clearly identified measure; or (b) conducting a poll that mentions or refers to a clearly identified candidate or a clearly identified measure.~~

Measure through Sponsored Committee [No change in text]

Telephone communications mean any live or recorded telephone calls that are authorized or paid for by a candidate or committee for the purpose of supporting or opposing one or more City candidates or City measures.

Treasurer through Vendor [No change in text]

§27.2925 Accounting and Recordkeeping

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

(c) Every candidate or committee paying for campaign advertisements supporting or opposing one or more City candidates or City measures shall maintain records in accordance with the following requirements:

- (1) for ~~mass campaign literature~~ subject to ~~section 27.2970~~, records that identify the date(s) of dissemination, the number of pieces disseminated, and the method of dissemination, as well as an original sample of each item of ~~mass campaign literature~~ disseminated by the candidate or committee, except that an advertising proof or comparable image of the item in printed or electronic format will comply with this requirement when the size of the item makes maintaining an original sample impracticable;
- (2) for ~~mass telephone communications~~ subject to ~~section 27.2971~~, records that identify the date(s) the telephone calls were made and the number of calls made, as well as a transcript of the messages communicated and a copy of any recorded messages; and
- (3) for ~~billboards and other large forms of advertising~~ subject to ~~section 27.2972~~, records that identify the location(s) where each advertisement was publicly displayed, the date(s) of display, the dimensions of each advertisement, the content and size of the requisite "paid for by" disclosure, as well as an advertising proof or comparable image of the advertisement in printed or electronic format; and
- (4) for ~~mass media advertisements~~ subject to ~~section 27.2974~~ electronic media communications, newspapers, magazines, and periodicals, records that identify the publication or website or media outlet where the advertisement appeared, the date(s) the

advertisements appeared, the content and size of the requisite “paid for by” disclosure, as well as an advertising proof or comparable image or recording of the advertisement in printed or electronic format.

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

§27.2959 Extensions of Vendor Credit – Primarily Formed Recipient Committees

(a) [No change in text]

(b) A *primarily formed recipient committee* may not accept credit from a *vendor*, but shall instead pay the *vendor* in full from existing funds at the time of placing the order, if all three of the following conditions are met:

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

(3) the identity of the *committee’s sponsors* or ~~top two donors~~ contributors of \$10,000 or more would change if any *person* made a *contribution* to the *committee* in an amount equal to the *committee’s* advertising debt liability.

(c) For purposes of this section:

(1) “a campaign advertisement” means any tangible or intangible campaign content that requires a “paid for by” or similar funding disclosure under sections 27.2970; ~~27.2971, 27.2972, or 27.2974,~~ and any television or radio advertisement that requires a “paid for by” or similar funding disclosure pursuant to state or federal campaign law;

(2) through (4) [No change in text]

§27.2970 ~~Mass Campaign Literature~~ Disclosures on Campaign Advertisements

- (a) ~~It is unlawful for any candidate or committee to pay for mass campaign literature 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. Subject to the additional requirements and exceptions expressly noted in section 27.2970, and limited to advertisements concerning City candidates and City measures, the campaign advertising disclosure rules included in the Political Reform Act of 1974, as amended, including but not limited to California Government Code sections 84305 through 84511, and the regulations of the California Fair Political Practices Commission, as amended, including but not limited to Regulations 18440 through 18450.11, are adopted by reference and incorporated into the San Diego Municipal Election Campaign Control Ordinance as if fully set forth herein.~~
- (b) ~~For mass campaign literature sent through the mail, the disclosure required by subsection (a) shall appear on the outside of each item of mass campaign literature.~~
- (1) ~~If more than one candidate or committee is paying for the mailing, the candidate or committee paying the largest portion of the costs relating to the designing, printing, and posting of the mailing shall be identified on the outside of each mailing in the disclosure required by subsection (a).~~

- (2) ~~If two or more candidates or committees are paying equally for the mailing, at least one of the candidates or committees shall be identified on the outside of each mailing in the disclosure required by subsection (a), and all of the candidates and committees paying for the mailing shall be identified on an insert included within each mailing in the disclosure required by subsection (a).~~

When a candidate or candidate-controlled committee established for elective City office is not required to make a “paid for by” advertising disclosure under state law, the candidate or committee shall make such a disclosure as if the advertisement is an independent expenditure.

- (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. These disclosure requirements do not apply to signs that are subject to the provisions of subsection (d).~~ When a candidate or committee uses volunteers to make telephone communications, such volunteers shall disclose the name of the candidate or committee during the communication in the same manner required of paid callers under state law, except that this disclosure may follow the words “on behalf of” instead of “paid for by.”

- (d) It is unlawful for any ~~candidate or committee~~ to pay for ~~mass campaign literature~~ in the form of signs that are publicly displayed for the purpose of supporting or opposing a ~~City candidate~~ or ballot ~~measure~~ unless the face of each 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 sign. This disclosure requirement applies to yard signs, posters, placards, and similar forms of advertising that are intended to be viewed in passing by members of the public rather than individually distributed to such members. For purposes of identifying a committee’s “top contributors,” as defined in California Government Code section 84501, a committee’s “cumulative contributions” means the cumulative amount of contributions received by the committee since the filing of its original Statement of Organization and ending seven calendar days before the committee submits the advertising order.
- (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. Every primarily formed recipient committee that has received contributions cumulatively totaling \$10,000 or more from any single contributor since the filing of its original Statement of Organization shall include the text “Funding details at www.sandiego.gov/donors” on or during its campaign advertisements in

the following manner:

- (1) The disclosure statement shall be made on campaign literature, visual *electronic media communications*, and newspaper and periodical advertisements immediately below and in the same font size and format as the “paid for by” disclosure. For advertisements disseminated over the Internet, the web address portion of the disclosure statement shall be a hyperlink whenever practicable.
 - (2) The disclosure statement shall be made during *telephone communications* and audio-only *electronic media communications* immediately following the “paid for by” or “on behalf of” disclosure in the same pitch and tone as the rest of the advertisement.
 - (3) A *committee* has not violated subsection (e) by failing to include the disclosure statement on a campaign advertisement if the advertising order was placed less than seven calendar days after first receiving *contributions* cumulatively totaling \$10,000 or more from any single contributor.
- (f) ~~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.~~ Nothing in this section establishes a Municipal Code requirement:
- (1) that any *candidate* or *committee* include advertising disclosures on email communications; text messages; social media posts; or

- websites under the control of the *candidate or committee*; or
- (2) that any *candidate or candidate-controlled committee* established for *elective City office* make an advertising disclosure on *telephone communications* or items sent through the U.S. mail unless already required to do so under state law; or
- (3) that any *committee* make an advertising disclosure on a *member communication* unless already required to do so under state law; or
- (4) that any *candidate or committee* comply with California Government Code section 84506.5; or
- (5) that any *general purpose recipient committee* disclose its “top contributors” on campaign advertisements; or
- (6) that is applicable to any slate mailer organization.
- (g) Nothing in this section relieves any *candidate or committee* from its obligation to comply with the advertising disclosure requirements included in state law.

§27.2971 Telephone Communications

- (a) ~~It is unlawful for any *candidate or committee* to engage or hire others to engage in *mass telephone communications* unless the communications include a statement that the communications are “paid for by,” “authorized by,” or are otherwise being made “on behalf of” immediately followed by the name of each *candidate or committee* that is paying for any of the resources used for the communications or that is otherwise authorizing the communication. For purposes of this subsection, “resources” include the~~

purchase of a contact list, the development of a script, overhead expenses, and telephone charges. The type of disclosure required by this section shall be determined as follows:

- (1) A call is "paid for by" a *candidate or committee* when the *candidate or committee* pays directly for the call or pays another *person* to make the call on its behalf.
- (2) A call is "authorized by" a *candidate or committee* if a *person* pays for the call at the behest of the *candidate or committee* and that *payment* is a *contribution* to the *candidate or committee*.
- (3) Notwithstanding subsections (a)(1) and (a)(2), a call is made "on behalf of" a *candidate or committee* when it is made by a volunteer at the direction of the *candidate or committee*.
- (b) The statement required pursuant to subsection (a) shall be clearly audible and at the same general volume as the rest of the telephone message.
- (c) If the telephone communication is a recording, the statement required pursuant to subsection (a) shall be played at the same speed as the rest of the message.
- (d) If the telephone communication is paid for by a *controlled committee*, the name of the *candidate* controlling the *committee* shall be included in addition to the information required by subsection (a).
- (e) Any *candidate or committee* paying for a live or recorded telephone communication subject to this section shall maintain records relating to such communications in accordance with section 27.2925(c).

- (f) ~~The disclosure requirements set forth in this section shall not apply to a candidate personally engaging in a live telephone communication or to a member communication by an organization that is not a political party.~~

§27.2972 Billboards and other Large Forms of Advertising

- (a) ~~It is unlawful for any candidate or committee to pay for any advertising on a billboard or other large form of advertising for the purpose of supporting or opposing one or more ballot measures or candidates for Elective City office unless the communication includes the words "paid for by" followed by the name of that candidate or committee.~~
- (b) ~~The typeface used in the disclosure statement required by subsection (a) shall have a height no less than five percent of the height of the advertisement and be printed in a contrasting color.~~
- (c) ~~As used in this section, the term "other large form of advertising" pertains to any sign, banner, poster, or other form of campaign advertising that is 30 square feet or larger and visible to the general public.~~

§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 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

- (a) ~~It is unlawful for any candidate or committee to pay for advertising in a regularly published newspaper, periodical, or magazine of general circulation 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.~~
 - (1) ~~For candidates and candidate-controlled committees paying for advertising supporting the candidate's candidacy, the disclosure statement required by this subsection shall be in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size.~~
 - (2) ~~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.~~
- (b) ~~It is unlawful for any candidate or committee to pay for text or graphic advertising on an 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 in letters at least as large as the majority of the text in the advertisement.~~

- (1) ~~In the event that it is impractical to comply with the provisions of this subsection because of the limited size of the advertisement, the disclosure may be displayed via rollover display, a link to a webpage with the disclosure information, or any other technological means that readily provide the user with the disclosure information.~~
 - (2) ~~The disclosure information required by this subsection must be legible, contrast with the background, and be visible for a period of at least four seconds.~~
- (e) ~~It is unlawful for any candidate or committee to pay for video advertising on an 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 in a contrasting typeface of sufficient size to be readily legible to an average viewer for not less than four seconds. This disclosure must also be spoken at the beginning or end of the video unless the written disclosure is shown for at least five seconds on a video lasting less than one minute or at least ten seconds on a video lasting one minute or more.~~

§27.2975 **Major Funding of Advertisements Supporting or Opposing ~~Candidates and~~
Ballot Measures**Primarily Formed Recipient Committees

- (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 14 points in size, except that if the advertisement is a sign subject to the disclosure requirements of section 27.2970(d), a 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.~~
- Every *primarily formed recipient committee* shall notify the City of San Diego Ethics Commission within three business days of receiving *contributions* cumulatively totaling \$10,000 or more from a single contributor. The notice shall be sent by email and include:
- (1) the *committee's* full name and identification number;
 - (2) the contributor's name; and
 - (3) if the contributor is a *primarily formed recipient committee* or a *general purpose recipient committee*, the contributor's identification number.
- (b) ~~The provisions of this section do not apply to advertisements that are *member communications*, made through an e-mail communication, placed on a slate mailer, printed on small promotional items on which the disclosure cannot reasonably be printed or displayed in an easily legible typeface, printed on wearing apparel, or skywriting. The information provided shall be made available to the public on the City of San Diego Ethics Commission's website.~~
- (c) ~~Except as expressly stated herein, the requirements of this section are intended to be consistent with the advertising regulations imposed by title 2, sections 18450.4 and 18450.5 of the California Code of Regulations on *primarily formed recipient committees* with contributors of \$50,000 or more. The aggregation rules of California~~

Government Code section 85311 and any implementing regulations adopted by the California Fair Political Practices Commission shall apply for purposes of identifying the *committee's* contributors.

§27.2976 Identification of ~~Entities Supporting~~ Ballot Measures Committees

- (a) ~~Any *committee* that supports or opposes one or more ballot *measures* shall name and identify itself using a name or phrase that clearly identifies the economic or other special interest of its major donors of \$50,000 or more in any reference to the *committee* required by law, including, but not limited, to its statement of organization filed pursuant to California Government Code section 84101.~~
- (b) ~~If the major donors of \$50,000 or more share a common employer, the identity of the employer shall also be disclosed.~~
- (c) ~~Any *committee*, other than a *general purpose recipient committee*, that supports or opposes a ballot *measure*, shall print or broadcast its name as provided in this section as part of any advertisement or other paid public statement.~~
- (d) ~~If *candidates* or their *controlled committees*, as a group or individually, meet the *contribution* thresholds for a *person*, they shall be identified by the controlling *candidate's* name.~~
- (e) Within 30 days of the designation of the alphabetical order of propositions the *measures* appearing on the ballot, any *committee* that is primarily formed to support or oppose a ballot *measure*, shall, if supporting the *measure*, include the statement, “a committee for Proposition Measure

___," or "Yes on Measure ___" or, if opposing the *measure*, include the statement, "a committee against Proposition Measure ___," or "No on Measure ___," in any reference to the *committee* required by law.

§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 14 points in size. contrasting Arial-equivalent typeface that is~~ easily legible and no less than 10 point in size.

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

SBS:MW:jvg

5/03/18

Or.Dept:Ethics Commission

Doc. No.: 1740999

Passed by the Council of The City of San Diego on JUN 12 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

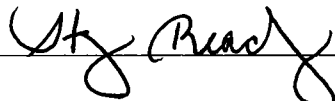
Date of final passage JUN 14 2018.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

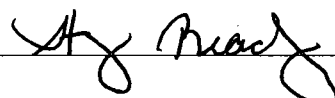
I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 15 2018, and on JUN 14 2018.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20941