
SEC. 1.114. CONTRIBUTIONS – LIMITS AND PROHIBITIONS.

(a) **LIMITS ON CONTRIBUTIONS TO CANDIDATES.** No person other than a candidate shall make, and no campaign treasurer for a candidate committee shall solicit or accept, any contribution which will cause the total amount contributed by such person to such candidate committee in an election to exceed \$500.

(b) **PROHIBITION ON CONTRIBUTIONS FROM CORPORATIONS.** No corporation, limited liability company, or limited liability partnership organized pursuant to the laws of the State of California, the United States, or any other state, territory, or foreign country, whether for profit or not, shall make a contribution to a candidate committee, provided that nothing in this subsection (b) shall prohibit such a corporation, limited liability company, or limited liability partnership from establishing, administering, and soliciting contributions to a separate segregated fund to be utilized for political purposes by the corporation, limited liability company, or limited liability partnership, provided that the separate segregated fund complies with the requirements of Federal law including Sections 432(e) and 441b of Title 2 of the United States Code and any subsequent amendments to those Sections.

(c) **EARMARKING.** No person may make a contribution to a committee on the condition or with the agreement that it will be contributed to any particular candidate or committee to circumvent the limits established by subsections (a) and (b).

(d) **PROHIBITION ON CONTRIBUTIONS FOR OFFICIAL ACTION.** No candidate may, directly or by means of an agent, give, offer, promise to give, withhold, or offer or promise to withhold his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a contribution.

(e) **AGGREGATION OF AFFILIATED ENTITY CONTRIBUTIONS.**

(1) **General Rule.** For purposes of the contribution limits imposed by this Section 1.114 and Section 1.120, the contributions of an entity whose contributions are directed and controlled by any individual shall be aggregated with contributions made by that individual and any other entity whose contributions are directed and controlled by the same individual.

(2) **Multiple Entity Contributions Controlled by the Same Persons.** If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.

(3) **Majority-Owned Entities.** Contributions made by entities that are majority-owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decisions to make contributions.

(4) **Definition.** For purposes of this Section 1.114, the term “entity” means any person other than an individual and “majority-owned” means a direct or indirect ownership of more than 50%.

(f) **FORFEITURE OF UNLAWFUL CONTRIBUTIONS.** In addition to any other penalty, each committee that receives a contribution which exceeds the limits imposed by this Section 1.114 or which does not comply with the requirements of this Section shall pay promptly the amount received or deposited in excess of the permitted amount to the City and County of San Francisco by delivering the payment to the Ethics Commission for deposit in the General Fund of the City and County; provided that the Ethics Commission may provide for the waiver or reduction of the forfeiture.

(g) **RECEIPT OF CONTRIBUTIONS.** A contribution to a candidate committee or committee making expenditures to support or oppose a candidate shall not be considered received if it is not cashed, negotiated, or deposited, and in addition is returned to the donor before the closing date of the campaign statement on which the contribution would otherwise be reported, except that a contribution to a candidate committee or committee making expenditures to support or oppose a candidate made before an election at which the candidate is to be voted on but after the closing date of the last campaign statement required to be filed before the election shall not be considered to be deemed received if it is not cashed, negotiated, or deposited, and is returned to the contributor within 48 hours of receipt. For all committees not addressed by this Section 1.114, the determination of when contributions are considered to be received shall be made in accordance with the California Political Reform Act.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 3-06, File No. 051439, App. 1/20/2006; Ord. 126-06, File No. 060033, Eff. 6/23/2006; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09, File No. 090989, App. 11/20/2009; Ord. [102-15](#), File No. 150294, App. 6/25/2015, Eff. 7/25/2015; Ord. [129-18](#), File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 1/1/2019; Proposition F, 11/5/2019, Eff. 12/20/2019)

SEC. 1.114.5. CONTRIBUTIONS - DISCLOSURES.

(a) **CONTRIBUTOR INFORMATION REQUIRED.** If the cumulative amount of contributions received from a contributor is \$100 or more, the committee shall not deposit any contribution that causes the total amount contributed by a person to equal or exceed \$100 unless the committee has the following information: the contributor’s full name; the contributor’s street address; the contributor’s occupation; and the name of the contributor’s employer or, if the contributor is self-employed, the name of the contributor’s business.

(1) A committee will be deemed not to have had the required contributor information at the time the contribution was deposited if the required contributor information is not reported on the first campaign statement on which the contribution is required to be reported.

(2) If a committee collects the information required under this subsection (a) on a form signed by the contributor stating that the contributor has not made a prohibited source contribution, there shall be a rebuttable presumption that the committee has not accepted a prohibited source contribution.

(b) **DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS TO BALLOT MEASURE COMMITTEES AND COMMITTEES MAKING INDEPENDENT EXPENDITURES.**

(1) In addition to the requirements in subsection (a), any person making contributions that total \$5,000 or more in a single calendar year at the behest of a City elective officer, to a ballot measure committee or committee making independent expenditures must disclose to the committee receiving the contribution the office and the name of the City elective officer who requested the contribution.

(2) Committees receiving contributions subject to subsection (b)(1) must report the names of the City elective officers who requested those contributions at the same time that the committees are required to file campaign statements with the Ethics Commission disclosing the contributions.

(3) Notwithstanding the provisions of this subsection (b), no committee shall be required to make the disclosure required in subsection (b)(2) for any contribution that constitutes a contribution to the City elective officer at whose behest the contribution was made.

(4) **Exception for public appeals.** No person or committee shall be required to make any disclosures required under this subsection (b) for any contribution, if the contribution was made solely in response to a public appeal.

(c) **ASSUMED NAME CONTRIBUTIONS.**

(1) No contribution may be made, directly or indirectly, by any person or combination of persons, in a name other than the name by which they are identified for legal purposes, or in the name of another person or combination of persons.

(2) No person may make a contribution to a candidate or committee in his, her, or its name when using any payment received from another person on the condition that it be contributed to a specific candidate or committee.

(d) **FORFEITURE OF UNLAWFUL CONTRIBUTIONS.** In addition to any other penalty, each committee that receives a contribution which does not comply with the requirements of this Section 1.114.5 shall pay promptly the amount received or deposited to the City and County of San Francisco by delivering the payment to the Ethics Commission for deposit in the General Fund of the City and County; provided that the Ethics Commission may provide for the waiver or reduction of the forfeiture.

– (Added by Ord. [129-18](#), File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 1/1/2019)

SEC. 1.115. COORDINATION OF EXPENDITURES.

(a) **General.** An expenditure is not considered independent and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit the expenditure is made, if the expenditure funds a communication that expressly advocate the nomination, election or defeat of a clearly identified candidate and is made under the following circumstance:

(1) The expenditure is made at the request, suggestion, or direction of, or in cooperation, consultation, concert or coordination with, the candidate on whose behalf, or for whose benefit, the expenditure is made; or

(2) The communication funded by the expenditure is created, produced or disseminated:

(A) After the candidate has made or participated in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication; or

(B) After discussion between the creator, producer or distributor of a communication, or the person paying for that communication, and the candidate or committee regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that communication, the result of which is agreement on any of these topics.

(b) **Rebuttable Presumption of Coordination.** In addition to Subsection (a) of this section, there shall be a presumption that an expenditure funding a communication that expressly advocates the nomination, election or defeat of a clearly identified candidate is not independent of the candidate on whose behalf or for whose benefit the expenditure is made, when:

(1) It is based on information about the candidate or committee's campaign needs or plans provided to the spender by the candidate;

(2) It is made by or through any agent of the candidate in the course of the agent's involvement in the current campaign;

(3) The spender retains the services of a person, including a campaign consultant, who provides, or has provided, the candidate with professional services related to campaign or fund raising strategy for that same election;

(4) The communication replicates, reproduces, republishes or disseminates, in whole or in substantial part, a communication designed, produced, paid for or distributed by the candidate; or

(5) In the same election that the expenditure is made, the spender or spender's agent is serving or served in an executive or policymaking role for the candidate's campaign or participated in strategy or policy making discussions with the candidate's campaign relating to the candidate's pursuit of election to office and the candidate is pursuing the same office as a candidate whose nomination or election the expenditure is intended to influence.

(c) **Exceptions.** Notwithstanding the foregoing, an expenditure shall not be considered a contribution to a candidate merely because:

(1) The spender interviews a candidate on issues affecting the spender;

(2) The spender has obtained a photograph, biography, position paper, press release, or similar material from the candidate;

(3) The spender has previously made a contribution to the candidate;

(4) The spender makes an expenditure in response to a general, non-specific request for support by a candidate, provided that there is no discussion with the candidate prior to the expenditure relating to details of the expenditures;

(5) The spender has invited the candidate or committee to make an appearance before the spender's members, employees, shareholders, or the families thereof, provided that there is no discussion with the candidate prior to the expenditure relating to details of the expenditure;

(6) The spender informs a candidate that the spender has made an expenditure provided that there is no other exchange of information not otherwise available to the public, relating to the details of the expenditure; or

(7) The expenditure is made at the request or suggestion of the candidate for the benefit of another candidate or committee.

(d) **Definition.** For purposes of this Section, the terms "candidate" includes an agent of the candidate when the agent is acting within the course and scope of the agency.

■ (Added by Ord. 228-06, File No. 060501, App. 9/14/2006)

SEC. 1.116. LIMITS ON LOANS TO CANDIDATES.

(a) A candidate's loan of personal funds to the candidate's campaign may not exceed at any time more than:

(1) \$15,000.00 for a candidate for the Board of Supervisors, Board of Education of the San Francisco Unified School District or the Governing Board of the San Francisco Community College District,

(2) \$120,000.00 for a candidate for Mayor, or

(3) \$35,000.00 for a candidate for Assessor or Public Defender, City Attorney, Treasurer, District Attorney or Sheriff.

(b) A candidate may not charge interest on any loan the candidate has made to the candidate's campaign.

(c) In addition to any other penalty, loans made by a candidate to the candidate's campaign in excess of the amounts in Subsection (a) shall be deemed a contribution to the campaign and may not be repaid to the candidate.

(d) Whenever the Ethics Commission adjusts the voluntary expenditure ceilings to reflect changes in the California Consumer Price Index, as authorized under Section 1.130, the Commission is authorized to adjust the loan amounts in this Section to reflect changes in the Consumer Price Index.

(Added by Proposition O, 11/7/2000; amended by Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 228-06, File No. 060501, App. 9/14/2006)

■ (Former Sec. 1.116 added by Ord. 365-94, App. 10/28/94; renumbered by Ord. 71-00, File No. 000358, App. 4/28/2000; repealed by Proposition O, 11/7/2000)

SEC. 1.118. PAYMENT OF ACCRUED EXPENSES.

(a) A candidate committee that accepts goods or services on credit shall pay for such accrued expenses in full no later than 180 calendar days after receipt of a bill or invoice and in no event later than 180 calendar days after the last calendar day of the month in which the goods were delivered or the services were rendered, unless it is clear from the circumstances that the failure to pay is reasonably based on a good faith dispute. For purposes of this Subsection, a good faith dispute shall be rebuttably presumed if the candidate committee produces the following:

(1) Evidence that the candidate committee protested the payment of a bill no later than 30 calendar days after the last calendar day of the month in which the goods were delivered or the services were rendered; and

(2) Evidence that the protest was based on the time of delivery, quality or quantity of goods delivered or services rendered or the price of the goods delivered or the services provided.

(b) The provisions of Subsection (a) do not apply to debt owed to a financial institution for an outstanding credit card balance.

(c) Each and every calendar day any accrued expense remains partially or wholly unpaid after the time periods set forth in Subsection (a) constitutes a separate violation.

(Added by Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09, File No. 090989, App. 11/20/2009)

■ (Former Sec. 1.118 added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; repealed by Ord. 3-06, File No. 051439, App. 1/20/2006)

SEC. 1.120. CONTRIBUTION LIMITS – POST-ELECTION LEGAL PROCEEDINGS.

All provisions of this Chapter, unless specified otherwise herein, shall be applicable in any post-election recounts, election contests or other proceedings held pursuant to law. In addition, the following provisions shall be applicable in any such post-election legal proceedings:

(a) No person other than a candidate shall make, and no candidate shall solicit or accept, any contribution which will cause the total amount contributed by such person in post-election legal proceedings to any candidate to exceed, in addition to the contribution limit

contained in Sections 1.114, \$100.00.

(b) Notwithstanding any other provision of this Chapter to the contrary, for the purposes of conducting post-election recounts, election contests or other proceedings held pursuant to law, the delivery of in-kind legal services by lawyers in support of or in opposition to candidates, including in-kind contributions to committees supporting or opposing candidates, shall not be subject to any contribution limitations set forth in this Chapter.

(c) If any person violates this Section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County.

– (Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 3-06, File No. 051439, App. 1/20/2006)

SEC. 1.122. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS – LIMITATIONS.

(a) **DECLARATION OF INTENT REQUIRED.** No candidate or candidate committee shall solicit or accept, or cause to be solicited or accepted, any contribution unless and until the candidate has filed a declaration of intention to become a candidate for a specific City elective office with the Department of Elections on a form prescribed by the Director of Elections.

No person shall file a declaration of intention to become a candidate for more than one City elective office.

(b) **USE OF CAMPAIGN FUNDS.**

(1) **GENERAL.** Except as otherwise provided in this Chapter, funds in a candidate committee's campaign account may be used only on behalf of the candidacy for the office specified in the candidate's declaration of intention filed under Subsection (a) or for expenses associated with holding that office, provided that such expenditures are reasonably related to a legislative, governmental, or political purpose. Contributions solicited or accepted under this Section for one candidate shall not be expended for the candidacy of any other candidate for local, state or federal office, in support of or opposition to any measure or in support of or opposition to any state ballot proposition, or for donations to a charitable organization. Nothing in this section shall prohibit a candidate committee for a candidate in a ranked choice election from expending funds to support the ranking of another candidate if the primary purpose of the expenditure is to further the candidate's own campaign.

(2) **PROHIBITING CANDIDATE-CONTROLLED GENERAL PURPOSE COMMITTEES.** No candidate holding City elective office may control a candidate-controlled general purpose committee. Any candidate who controls a candidate-controlled general purpose committee prior to assuming City elective office shall return, use, or dispose of all funds held by the committee using the means specified in subsection (b)(4) within 90 days of the date that the candidate assumes office.

(3) **WITHDRAWAL FROM CANDIDACY.** If a candidate has withdrawn his or her candidacy, campaign funds held by that candidate's committee's Campaign Contribution Trust Account shall be:

(A) returned on a "last in, first out" basis to those persons who have made said contributions;

(B) donated to the City and County of San Francisco;

(C) donated to a charitable organization;

(D) used to pay outstanding campaign debts or accrued expenses;

(E) used to pay expenses associated with terminating the committee, such as bookkeeping, legal fees, preparation of campaign statements, and audits; or

(F) used for other permissible purposes established by the Ethics Commission by regulation.

(4) **SURPLUS FUNDS.** Surplus funds held by a candidate or committee shall be:

(A) returned on a "last in, first out" basis to those persons who have made said contributions;

(B) donated to a charitable organization;

(C) donated to the City and County of San Francisco;

(D) used to pay outstanding campaign debts or accrued expenses;

(E) used to pay expenses associated with terminating the committee, such as bookkeeping, legal fees, preparation of campaign statements, and audits; or

(F) used for other permissible purposes established by the Ethics Commission by regulation.

(c) **TRANSFER OF FUNDS.** Subject to the restrictions set forth in Subsection (b), at any time, funds held in a candidate committee's Campaign Contribution Trust Account may be transferred to any legally constituted committee established by the candidate under the California Political Reform Act, California Government Code section 81000 et seq. Contributions transferred under this subsection shall be attributed to specific contributors using a "first in, first out" or "last in, first out" accounting method.

(Added by Ord. 71-00, File No. 000358, App. 4/28/2000; amended by Proposition O, 11/7/2000; Ord. 141-03, File No. 030034, App. 6/27/2003; Ord. 228-06, File No. 060501, App. 9/14/2006; Ord. 234-09, File No. 090989, App. 11/20/2009; Ord. [157-16](#), File No. 160669, Eff. 9/3/2016)

SEC. 1.124. ADDITIONAL DISCLOSURE REQUIREMENTS FOR CONTRIBUTIONS MADE BY BUSINESS ENTITIES.

(a) **Additional Disclosures.** In addition to the campaign disclosure requirements imposed by the California Political Reform Act and other provisions of this Chapter 1, any committee required to file campaign statements with the Ethics Commission must disclose the following information for contribution(s) that, in aggregate, total \$10,000 or more that it receives in a single election cycle from a single business entity:

(1) one of the business entity's principal officers, including, but not limited to, the Chairperson of the Board of Directors, President, Vice-President, Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Executive Director, Deputy Director, or equivalent positions; and

(2) whether the business entity has received funds through a contract or grant from any City agency within the last 24 months for a project within the jurisdiction of the City and County of San Francisco, and if so, the name of the agency that provided the funding, and the value of the contract or grant.

(b) **Filing Requirements.** Committees shall provide this information for contributions received from business entities at the same time that they are required to file semiannual or preelection campaign statements with the Ethics Commission.

(Added by Ord. [129-18](#), File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 1/1/2019)

■ (Former Sec. 1.124 added by Ord. 71-00, File No. 000358, App. 4/28/2000; repealed by Ord. 141-03, File No. 030034, App. 6/27/2003)

SEC. 1.125. ADDITIONAL DISCLOSURE REQUIREMENTS FOR BUNDLED CONTRIBUTIONS.

(a) **Definition.** For purposes of this Section 1.125, the following words and phrases shall mean:

“Bundle” shall mean delivering or transmitting contributions, other than one's own or one's spouse's, except for campaign administrative activities and any actions by the candidate that a candidate committee is supporting.

“Campaign administrative activity” shall mean administrative functions performed by paid or volunteer campaign staff, a campaign consultant whose payment is disclosed on the committee's campaign statements, or such campaign consultant's paid employees.

(b) **Additional Disclosure Requirements.** Any committee controlled by a City elective officer or candidate for City elective office that receives contributions totaling \$5,000 or more that have been bundled by a single individual shall disclose the following information:

(1) the name, occupation, employer, and mailing address of the person who bundled the contributions;

(2) a list of the contributions bundled by that person (including the name of the contributor and the date the contribution was made);

(3) if the individual who bundled the contributions is a member of a City board or commission, the name of the board or commission on which that person serves, and the names of any City officers who appointed or nominated that person to the board or commission.

(c) **Filing Requirements.** Committees shall provide the information for bundled contributions required by subsection (b) at the same time that they are required to file semiannual or preelection campaign statements with the Ethics Commission. Committees shall be required to provide this information following the receipt of the final contribution that makes the cumulative amount of contributions bundled by a single individual total \$5,000 or more.

(d) **Website Posting.** The Ethics Commission shall make all information that is submitted in accordance with subsection (b) publicly available through its website.

■ (Added by Ord. [129-18](#), File No. 180280, App. 5/30/2018, Eff. 6/30/2018, Oper. 1/1/2019)

SEC. 1.126. CONTRIBUTION PROHIBITION – CONTRACTORS DOING BUSINESS WITH THE CITY.

(a) **Definitions.** For purposes of this Section 1.126, the following words and phrases shall mean:

“Affiliate” means any member of an entity's board of directors or any of that entity's principal officers, including its chairperson, chief executive officer, chief financial officer, chief operating officer, any person with an ownership interest of more than 10% in the entity, and any subcontractor listed in the entity's bid or contract.

“Board on which an individual serves” means the board to which the officer was elected and any other board on which the elected officer serves.

“City Contractor” means any person who contracts with, or is seeking a contract with, any department of the City and County of San Francisco, a state agency on whose board an appointee of a City elective officer serves, the San Francisco Unified School District, or the

San Francisco Community College District, when the total anticipated or actual value of the contract(s) that the person is party to or seeks to become party to with any such entity within a fiscal year equals or exceeds \$100,000.

“Contract” means any agreement or contract, including any amendment or modification to an agreement or contract, with the City and County of San Francisco, a state agency on whose board an appointee of a City elective officer serves, the San Francisco Unified School District, or the San Francisco Community College District for:

- (1) the rendition of personal services,
- (2) the furnishing of any material, supplies or equipment,
- (3) the sale or lease of any land or building,
- (4) a grant, loan, or loan guarantee, or
- (5) a development agreement.

“Contract” shall not mean a collective bargaining agreement or memorandum of understanding between the City and a labor union representing City employees regarding the terms and conditions of those employees’ City employment.

(b) **Prohibition on Contributions.** No City Contractor or affiliate of a City Contractor may make any contribution to:

(1) An individual holding a City elective office if the contract must be approved by such individual, the board on which that individual serves, or a state agency on whose board an appointee of that individual serves;

- (2) A candidate for the office held by such individual; or
- (3) A committee controlled by such individual or candidate.

(c) **Term of Prohibitions.** The prohibitions set forth in subsection (b) shall apply from the submission of a proposal for a contract until:

- (1) The termination of negotiations for such contract; or
- (2) 12 months from the date the contract is approved.

(d) **Prohibition on Soliciting or Accepting Contributions.** No individual holding City elective office, candidate for such office, or committee controlled by such an individual shall:

- (1) accept any contribution prohibited by subsection (b); or
- (2) solicit any contribution prohibited by subsection (b) from a person who the individual knows or has reason to know to be a City Contractor.

(e) **Forfeiture of Contribution.** In addition to any other penalty, each committee that accepts a contribution prohibited by subsection (b) shall pay promptly the amount received or deposited to the City and County of San Francisco and deliver the payment to the Ethics Commission for deposit in the General Fund of the City and County; provided that the Commission may provide for the waiver or reduction the waiver or reduction¹ of the forfeiture.

(f) **Notification.**

- (1) **Notification by City Agencies.**¹

(A) **Prospective Parties to Contracts.** The City agency seeking to enter into a contract subject to subsection (b) shall inform any prospective party to a contract of the prohibition in subsection (b) and of the duty to notify the Ethics Commission, as described in subsection (f)(2), by the submission of a proposal for such contract.

(B) **Parties to Executed Contracts.** After the final execution of a contract by a City agency and any required approvals of a City elective officer, the agency that has entered into a contract subject to subsection (b) shall inform any parties to the contract of the prohibition in subsection (b) and the term of such prohibition established by subsection (c).

(2) **Notification of Ethics Commission.** The City agency seeking to enter into a contract subject to subsection (b) shall notify the Ethics Commission. within 30 days of the submission of a proposal, on a form or in a format adopted by the Commission, of the parties to the contract, and any subcontractor listed as part of the proposal.

(3) **Notification by Prospective Parties to Contracts.** Any prospective party to a contract subject to subsection (b) shall, by the submission of a proposal for such contract, inform any member of that party’s board of directors and any of that party’s principal officers, including its chairperson, chief executive officer, chief financial officer, chief operating officer, any person with an ownership interest of more than 10% in the party, and any subcontractor listed in the party’s bid or contract of the prohibition in subsection (b).

(4) **Notification by Individuals Who Hold City Elective Office.** Every individual who holds a City elective office shall, within five business days of the approval of a contract by the officer, a board on which the officer sits, or a board of a state agency on which an appointee of the officer sits, notify the Ethics Commission, on a form or in a format adopted by the Commission, of each contract approved by the individual, the board on which the individual serves, or the board of a state agency on which an appointee of the officer sits. An individual who holds a City elective office need not file the form required by this subsection (f)(4) if the Clerk or Secretary of a Board on which the individual serves or a Board of a State agency on which an appointee of the officer serves has filed the form on behalf of the board.

CODIFICATION NOTE

- 1. So in Ord. [129-18](#).

SEC. 1.127. CONTRIBUTIONS BY PERSONS WITH PENDING LAND USE MATTERS.

(a) **Definitions.** For purposes of this Section 1.127, the following terms have the following meanings:

“Affiliated Entities” means business entities directed and controlled by the same person or majority-owned by the same person.

“Financial Interest” means (a) an ownership interest of at least \$5,000,000 in the project or property that is the subject of the Land Use Matter; (b) holding the position of director or principal officer, including but not limited to President, Vice-President, Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Executive Director, Deputy Director, or member of the Board of Directors, in an entity with an ownership interest of at least \$5,000,000 in the project or property that is the subject of the Land Use Matter; or (c) being the developer of a project with an estimated construction cost of at least \$5,000,000 that is the subject of the Land Use Matter.

“Land Use Matter” means (a) any request to a City elective officer for a Planning Code or Zoning Map amendment, or (b) any application for an entitlement that requires a discretionary determination at a public hearing before a City board or commission. “Land Use Matter” shall not include discretionary review hearings.

“Prohibited Contribution” means a contribution of any amount to (a) a member of the Board of Supervisors, (b) a candidate for member of the Board of Supervisors, (c) the Mayor, (d) a candidate for Mayor, (e) the City Attorney, or (f) a candidate for City Attorney.

(b) **Prohibited Contributions.** No person, or the person’s Affiliated Entities, with a Financial Interest in a Land Use Matter pending before the Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, or the Treasure Island Development Authority Board of Directors, shall make any Prohibited Contribution at any time from the date of commencement of a Land Use Matter until 12 months have elapsed from the date that the board or commission renders a final decision or ruling or any appeals to another City agency from that decision or ruling have been finally resolved.

(c) **Prohibition on Soliciting or Accepting Prohibited Contributions.**

(1) **Prohibition.** No member of the Board of Supervisors, candidate for member of the Board of Supervisors, the Mayor, candidate for Mayor, the City Attorney, candidate for City Attorney, or controlled committees of such officers and candidates may accept or solicit any contribution prohibited by subsection (b).

(2) **Safe Harbor.** Notwithstanding subsection (c)(1), if a member of the Board of Supervisors, candidate for member of the Board of Supervisors, the Mayor, candidate for Mayor, the City Attorney, candidate for City Attorney, or controlled committees of such officers and candidates, accepts a contribution prohibited by subsection (b) after exercising due diligence, such due diligence shall constitute a full and complete defense in any enforcement action for a violation of this Section 1.127, except that the recipient of the prohibited contribution shall forfeit that contribution. A candidate or committee would satisfy this due diligence requirement if the person making the contribution to such candidate or committee attests under penalty of perjury that the contribution is not prohibited by subsection (b).

(d) **Exception for Primary Residence.** The prohibitions set forth in subsections (b) and (c) of this Section 1.127 shall not apply if the Land Use Matter concerns only the person’s primary residence.

(e) **Forfeiture of Prohibited Contributions.** In addition to any other penalty provided by law, each member of the Board of Supervisors, candidate for member of the Board of Supervisors, the Mayor, candidate for Mayor, the City Attorney, candidate for City Attorney, or controlled committees of such officers and candidates, who solicits or accepts any contribution prohibited by subsection (b) of this Section 1.127 shall pay promptly the amount received by or deposited to the City and County of San Francisco by delivering the payment to the Ethics Commission for deposit in the City’s General Fund.

(f) **Notification.** The Board of Appeals, Board of Supervisors, Building Inspection Commission, Commission on Community Investment and Infrastructure, Historic Preservation Commission, Planning Commission, Port Commission, and the Treasure Island Development Authority Board of Directors shall post a description of the prohibition in subsection (b) of this Section 1.127 on their respective websites and include that description on each meeting agenda.