

ORDINANCE NUMBER O- 19312 (NEW SERIES)

ADOPTED ON SEP 07 2004

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7,
DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 27.2947 AND ADDING SECTIONS
27.2955 AND 27.2956, ALL RELATING TO THE CITY OF SAN
DIEGO ELECTION CAMPAIGN CONTROL ORDEANCE

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 27.2947, and adding sections 27.2955 and 27.2956, to read as follows:

§27.2947 Prohibitions and Limits on Contributions From Organizations

- (a) It is unlawful for a *candidate, committee, committee treasurer, or other person* acting on behalf of a *candidate or committee* to accept a *contribution* from any *person* other than an individual.
- (b) It is unlawful for a *person* other than an individual to make a *contribution* to any *candidate or committee*, except to a *committee* that is organized solely for the purpose of supporting or opposing the qualification of a *City measure* for the ballot, or the adoption or defeat of a *City measure*, and the *committee* pursues no other purpose.
- (c) For purposes of Section 27.2947(a) and (b), the term "*committee*" includes any *committee* that makes *independent expenditures*, in addition to any *controlled committee*.

- (d) Notwithstanding Section 27.2947(a), a *committee* may accept a *contribution* from any *person* if the *committee* is organized solely for the purpose of supporting or opposing the qualification of a *City measure* for the ballot, or the adoption or defeat of a *City measure*, and the *committee* pursues no other purpose.
- (e) For purposes of Section 27.2947(b) and (d), a recall *election* is not an *election* on a *City measure*.
- (f) For purposes of this section, a *contribution* made from a personal or family trust account is considered a *contribution* made by an individual.

§27.2955 Mass Mailings

- (a) It is unlawful for any *candidate* or *committee* to send a mass mailing for the purpose of supporting or opposing a *City candidate* or *City measure* unless:
 - (1) the name, street address, and city of the *candidate* or *committee* sending the mailing are shown on the outside of each piece of mail in the mass mailing in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size; and
 - (2) each mailing includes the words “paid for by” immediately followed by the name, street address, and city of that *candidate* or *committee* in a typeface that is easily legible, contrasts with the background, and is no less than 12 points in size.
- (b) For purposes of subsection (a), a post office box may be stated in lieu of a street address if the organization’s address is a matter of public record with the Secretary of State.

- (c) If the sender of a mass mailing is a *controlled committee*, the name of the *candidate* controlling the *committee* shall be included in addition to the information required by subsection (a).
- (d) For purposes of this section, a “mass mailing” means more than 200 substantially similar pieces of campaign literature sent within a single calendar month.

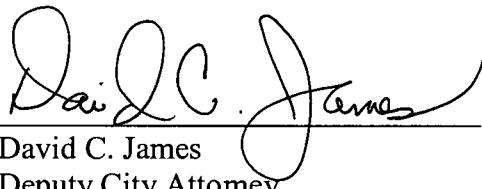
§27.2956 Telephone Communications

- (a) It is unlawful for any *candidate* or *committee* to engage in live or recorded telephone communications with 500 or more individuals or households for the purpose of supporting or opposing a *City candidate* or *City measure* unless the communications include the words “paid for by” immediately followed by the name of the *candidate* or *committee* paying for the communications.
- (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 a transcript of the message being communicated and a record of the number of calls for each message.

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

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

APPROVED: CASEY GWINN, City Attorney

By 
David C. James
Deputy City Attorney

DCJ:amp
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Or.Dept:Mayor
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