

SAN DIEGO ETHICS COMMISSION REVIEW OF THE CITY'S
Election Campaign Control Ordinance
(Telephone Communications)

PROPOSED AMENDMENTS

Rev. June 23, 2008

Proposed Effective Date: January 1, 2009

Chapter 2: Government

Article 7: Elections, Campaign Finance and Lobbying

Division 29: 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.

...

Mass telephone communications means live or recorded telephone calls to 500 or more individuals or households in connection with the same election 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.

Revised
definition

§27.2971 Telephone Communications

- (a) It is unlawful for any candidate or committee to engage or hire others to engage in mass telephone communications ~~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 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:

Changes
already
approved by
Ethics
Commission
and Rules
Committee

- (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 for four years a transcript of the message being communicated, a copy of any recorded messages, and a record of the number of calls for each message.
- (f) The disclosure requirements set forth in this section shall not apply to:
- (1) ~~a candidate personally engaging in a live telephone communication, or~~
- (2) ~~member communications made by an organization that is not a political party.~~