



FACT SHEET ON THE ELECTRONIC FILING OF CAMPAIGN STATEMENTS

The City's Election Campaign Control Ordinance (ECCO), includes a variety of laws applicable to the filing of campaign statements, including a law that requires candidates and committees to file campaign statements using the city clerk's electronic filing system. This fact sheet is intended to assist candidates, committees, and their treasurers understand the rules applicable to electronic filing. It should not, however, be considered a substitute for the actual language contained within San Diego Municipal Code sections 27.2901 through 27.2991.

GENERAL RULES

- ❖ Committees that have received contributions or made expenditures of \$10,000 or more in connection with one or more City of San Diego elections are required to use the city clerk's electronic filing system.
- ❖ A committee that has not reached the \$10,000 threshold may choose to file electronically on a voluntary basis.
- ❖ In general, a committee that has electronically filed a campaign statement with the city clerk is not required to also file a paper copy of that campaign statement with the city clerk. There is one exception to this rule: major donors, which are not subject to ECCO, must still file a paper copy of any campaign statement they choose to file electronically.

COMMITTEES REQUIRED TO FILE ELECTRONICALLY

- ❖ The electronic filing requirement applies to the following committees that have reached the \$10,000 threshold in connection with one or more City elections:
 - ✓ candidate-controlled committees, including a committee formed by a candidate to seek elective City office, and a committee controlled by a candidate or officeholder to support or oppose a City ballot measure;
 - ✓ committees primarily formed to support or oppose a City candidate or ballot measure;
 - ✓ City general purpose recipient committees (committees that receive contributions and spend more than 70% of their funds to support or oppose City candidates and/or measures);
 - ✓ State and county general purpose recipient committees;
 - ✓ City independent expenditure committees (individuals and entities that spend 70% or more of their own funds on independent expenditures to support or oppose City candidates and/or measures, and spends no money on state candidates or measures);
 - ✓ State and county independent expenditure committees; and,
 - ✓ professional expense committees (regardless of reaching the \$10,000 threshold).

- ❖ For example, a committee primarily formed to oppose a City ballot measure that spends \$5,000 on yard signs and \$5,000 on radio advertising to oppose the measure will trigger the electronic filing requirement.
- ❖ Even though the city clerk is not the primary filing officer for state and county general purpose recipient committees, or for state and county independent expenditure committees, these committees must locally report the independent expenditures they make in connection with City elections and must do so using the city clerk's electronic filing system once they have reached the \$10,000 threshold.
- ❖ Once a committee has reached the \$10,000 threshold, it must continue to file electronically until it has terminated.

CAMPAIGN STATEMENTS REQUIRED TO BE FILED ELECTRONICALLY

- ❖ Except as discussed below, committees that have reached the \$10,000 threshold must electronically file each required campaign statement that is compatible with the city clerk's electronic filing system.
- ❖ The city clerk's online system presently accepts the following campaign statements:
 - ✓ Form 410 – Statement of Organization Recipient Committee (can currently be filed only using third party software)
 - ✓ Form 425 – Semi-Annual Statement of No Activity (can currently be filed only using third party software)
 - ✓ Form 450 – Recipient Committee Campaign Statement – Short Form
 - ✓ Form 460 – Recipient Committee Campaign Statement
 - ✓ Form 461 – Major Donor & Independent Expenditure Committee Campaign Statement
 - ✓ Form 465 – Supplemental Independent Expenditure Report
 - ✓ Form 470 – Officeholder and Candidate Campaign Statement – Short Form
 - ✓ Form 495 – Supplemental Pre-election Campaign Statement (can currently be filed only using third party software)
 - ✓ Form 496 – Late Independent Expenditure Report
 - ✓ Form 497 – Late Contribution Report
 - ✓ Form 501 – Candidate Intention Statement (contact City Clerk for assistance)
- ❖ If a committee has filed an original document with the Secretary of State and needs to file a copy of that document with the city clerk, it may choose whether to file that copy in paper format or electronically.

- ❖ The copy of the Form 410 required to be filed with the city clerk may be submitted in paper format. Committees using third party vendor software to access the city clerk's electronic filing system may choose instead to file this form electronically.
- ❖ Committees not using third party vendor software to access the city clerk's electronic filing system may file Forms 425 and 495 in paper format.
- ❖ If a campaign statement cannot be filed electronically, the committee must file the statement with the city clerk in paper format. Contact the city clerk's office for assistance before concluding that a statement cannot be filed electronically.

For additional information regarding the rules contained in this fact sheet, please contact the Ethics Commission at (619) 533-3476. For assistance using the city clerk's electronic filing system, please contact the City Clerk at (619) 533-4000.

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