

August 1, 2016

Members, Ballot Simplification Committee
Department of Elections
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102

RE: Request for Reconsideration of Approved Digest for “Restricting Gifts and Campaign Contributions from Lobbyists” Measure

Dear Members of the Ballot Simplification Committee:

Thank you for the time and consideration you have put into simplifying the digest for the upcoming “Restricting Gifts and Campaign Contributions from Lobbyists” measure.

I write on behalf of Represent.Us, a main advocate of the measure. My colleague Charlotte Hill spoke at your July 29th meeting (I was unfortunately unable to attend). We would like to respectfully request that the Committee reconsider including language in the digest about the measure’s requirement that lobbyists indicate in their registration which City agencies they intend to lobby.

As you know, it is necessary to create this registration requirement in order to ensure that the ban on lobbyist campaign contribution activity applies only when the lobbyist is targeting the agency of the City elected official or future agency of the candidate. However, the lobbyist gift ban – the other key half of the measure – does not rely on this “target” registration to operate.

As Charlotte described in her public comment, the crux of the measure (and the stated intent of the Ethics Commission in its findings section) is to prevent government corruption and its appearance, and so increase public confidence in the fairness of government, by enacting the lobbyist gift and contribution/bundling ban. While the new lobbyist “targeting” registration requirement may be valuable in providing some increased disclosure about a lobbyist’s intentions, the Ethics Commission included this requirement solely to make possible one-half of the measure’s core purpose (the contribution/bundling ban). The key aspect of lobbyist disclosure – the disclosure of the time and content of an actual lobbying contact – is already required in San Francisco. Moreover, experience at the state level (where “targeting” disclosure is already required) shows that it is likely that many lobbyists will simply select the option to “register to lobby all available City agencies” in order to “keep open” the opportunity to quickly lobby any agency as necessary.

While the substance of the approved digest is certainly accurate, San Francisco voters will be faced with a battery of complicated ballot measures on Election Day. The lobbyist gift, contribution, and bundling ban measure is straightforward and simple, but the targeting registration requirement is a relatively insignificant mechanism that currently may distract hurried readers of the digest from the measure’s purpose. Therefore, I respectfully request that you consider removing reference to the targeting registration requirement, as this will simplify the digest text while focusing voter attention on the core intent and effects of the measure.

Below, please find copy of a “redlined” version of the digest that would be simplified in this manner.

Thank you in advance for your consideration of this request.

Sincerely,

Alex Kaplan
Policy Director, Represent.Us

[Alternative language recommended by requestor]

The Way It Is Now: ~~The City’s Lobbyist Ordinance requires local lobbyists to register with the City’s Ethics Commission. When they register, the City does not require them to identify the City agencies they plan to lobby. Each lobbyist must file monthly reports and disclose the campaign contributions made or delivered by the lobbyist, the lobbyist’s employer or the lobbyist’s clients.~~

In general, a person is not allowed to make a campaign contribution of more than \$500 to a City elected official or a candidate for City elective office. Lobbyists are subject to this \$500 campaign contribution limit. The City does not restrict anyone, including lobbyists, from collecting campaign contributions from other persons – a practice known as “bundling” – and delivering those contributions to a City official or candidate for City office.

With some exceptions, lobbyists cannot provide any City official with gifts worth more than \$25. Under current law, lobbyists cannot deliver payments or gifts through third parties in order to avoid this gift limit.

The Proposal: ~~Proposition ___ would require lobbyists, when they register with the Ethics Commission, to identify the City agencies they plan to lobby. If lobbyists later wish to lobby different agencies, they would have to inform the Ethics Commission.~~

Proposition ___ would prohibit a lobbyist from making campaign contributions to a City elected official or bundling contributions for the official, if the lobbyist was registered to lobby the official’s agency within the previous 90 days. These restrictions also apply to local candidates.

Proposition ___ also would prohibit a lobbyist from providing gifts of any value to any City officials, although some nonprofits would have a limited exemption. The measure would also clarify that lobbyists cannot use third parties to attempt to avoid these gift limits.

A "YES" Vote Means: If you vote “yes,” you want to:

- ~~require lobbyists to identify the City agencies they plan to lobby and inform the Ethics Commission of any changes;~~
- prohibit any lobbyist from making campaign contributions to a City elected official or bundling contributions for the official, if the lobbyist was registered to lobby the official’s agency within the previous 90 days; and
- generally prohibit lobbyists from providing gifts of any value to City officials.

A "NO" Vote Means: If you vote “no,” you do not want to make these changes.