



# ETHICS COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

PAUL A. RENNE  
CHAIRPERSON

August 4, 2016

*By Electronic Mail*

PETER KEANE  
VICE-CHAIRPERSON

Ms. Barbara Carr, Chair  
Members

BEVERLY HAYON  
COMMISSIONER

Ballot Simplification Committee  
c/o Department of Elections  
City and County of San Francisco

DAINA CHIU  
COMMISSIONER

1 Dr. Carlton B. Goodlett Place, Room 48  
San Francisco, CA 94102

(VACANT)  
COMMISSIONER

**Re: Support for Revision of Approved Digest Proposed by Represent.Us for Ballot Measure Restricting Gifts and Campaign Contributions from Lobbyists**

LEEANN PELHAM  
EXECUTIVE DIRECTOR

Dear Chair Carr and Committee Members:

I write on behalf of Ethics Commission Chair Paul Renne and Vice-Chair Peter Keane to convey the Ethics Commission's support for the revised digest language proposed by Represent.Us on August 1, 2016, for the "Restricting Gifts and Campaign Contributions from Lobbyists" measure. A copy of the Represent.Us request is attached for reference.

In developing the measure, the Ethics Commission focused primarily on the nature of the restrictions it believed were warranted to further restrict lobbyist restrict gifts, campaign contributions, and campaign bundling. The Commission believes, therefore, that the prohibitions proposed in the measure are most appropriately suited to be the primary focus of the digest text.

While the requirement for lobbyists to identify agencies they plan to lobby is significant as a mechanism to implement the proposed restrictions, it is a method to achieve the proposed policies, not the primary goal of those policies. Consequently, the Ethics Commission strongly endorses the revised digest text proposed by Represent.Us as a clearer and more accurate description the measure and its core policy focus.

Vice-Chair Peter Keane and I plan to attend the Committee's meeting tomorrow should you have any questions for us or find it helpful to have any further background on the Commission's discussions.

The Ethics Commission appreciates the work of the Committee to help equip an informed and engaged electorate, and we thank you for your time and consideration of this request.

Sincerely,

LeeAnn Pelham  
Executive Director

attachment

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 29<sup>th</sup> 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.