

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-18-563628

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Filed by: DAVID YUEN

Image: 06174736

COMPLAINT

ANGELA ALIOTO ET AL VS. LEEANN PHELHAM ET AL

001C06174736

Instructions:

Please place this sheet on top of the document to be scanned.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
HARMEET K. DHILLON (SBN: 207873); MARK P. MEUSER (SBN: 231335)
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, California 94108
TELEPHONE NO.: (415) 433-1700 FAX NO.: (415) 520-6593
ATTORNEY FOR (Name): Petitioners Angela Alioto, et al.

FOR COURT USE ONLY
FILED
Superior Court of California
County of San Francisco
JAN 11 2018
CLERK OF THE COURT
BY: [Signature] Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street
CITY AND ZIP CODE: San Francisco, 94012
BRANCH NAME: Civic Center Courthouse

CASE NAME:
Angela Aliota, et al. v. Leeann Pelhan, et al.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER
CGC-18-563628

JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|---|--|
| <p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p> | <p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p> | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input checked="" type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p> |
|---|---|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 01/11/2018
Harmeet K. Dhillon

(TYPE OR PRINT NAME)

[Signature]

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

LEEANN PELHAM, in her official capacity as Executive Director of the San Francisco Ethics Commission;
BEN ROSENFELD, in his official capacity as Controller for the City and County of San Francisco;
MARK LENO FOR MAYOR 2018, a political campaign organization; and DOES 1 - 10, inclusive.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ANGELA ALIOTO, an individual; and ANGELA ALIOTO FOR
MAYOR 2018, a political campaign organization.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford a lawyer, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): San Francisco County Superior Court
400 McAllister Street, San Francisco, CA 94102

CASE NUMBER:
(Número del Caso)
000-18-563628

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
177 Post Street, Suite 700, San Francisco, CA 94108

Dhillon Law Group, Inc.

DATE: 01/11/2018
(Fecha)

CLERK OF THE COURT

Clerk, by
(Secretario)

DAVID W. YUEN

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

- 3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- other (specify):

- 4. by personal delivery on (date):



1 HARMEET K. DHILLON (SBN: 207873)
harmeet@dhillonlaw.com
2 MARK P. MEUSER (SBN: 231335)
mmeuser@dhillonlaw.com
3 DHILLON LAW GROUP INC.
4 177 Post Street, Suite 700
San Francisco, California 94108
5 Telephone: (415) 433-1700
6 Facsimile: (415) 520-6593

7 Attorneys for Petitioners Angela Alioto and Angela
8 Alioto for Mayor 2018

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION**

12 ANGELA ALIOTO, an individual; and
13 ANGELA ALIOTO FOR MAYOR 2018, a
14 political campaign organization.

15 Petitioners,

16 v.

17 LEEANN PELHAM, in her official capacity
18 as Executive Director of the San Francisco
19 Ethics Commission; BEN ROSENFELD, in
20 his official capacity as Controller for the City
21 and County of San Francisco; MARK LENO
FOR MAYOR 2018, a political campaign
organization; and DOES 1 – 10, inclusive.

22 Respondents.
23
24

25 Petitioners ANGELA ALIOTO and ANGELA ALIOTO FOR MAYOR 2018 complain and
26 allege as follows:
27
28

FILED

Superior Court of California
County of San Francisco

JAN 11 2018

CLERK OF THE COURT

BY: David W. Meuser
Deputy Clerk

Case Number:

CGC - 18 - 563628

**COMPLAINT FOR INJUNCTIVE
RELIEF FOR VIOLATION OF SAN
FRANCISCO CAMPAIGN FINANCE
REFORM ORDINANCE**

Dept.:

Date:

Time:

PARTIES

1. Petitioner Angela Alioto is a resident of the City and County of San Francisco, and is a respondent for standing purposes.
2. Alioto is a candidate for Mayor of San Francisco as is established by her filing on December 18, 2017 with the California Secretary of State. This filing was a Form 501, Candidate Intention Statement (See **Exhibit 1**).
3. Petitioner Angela Alioto for Mayor 2018 is a political campaign organization.
4. Petitioner Angela Alioto for Mayor 2018 was lawfully established on December 27, 2017 when Petitioner Alioto filed a Form 410 with the California Secretary of State, a Statement of Organization Recipient Committee (See **Exhibit 2**).
5. On January 8, 2018, both Petitioners Alioto filed with the San Francisco Ethics Commission a Statement of Participation or Non-Participation in Public Financing Program (See **Exhibit 3**).
6. Respondent LeeAnn Pelham is the Executive Director for the San Francisco Ethics Commission and is being sued in her official capacity only.
7. San Francisco Ethics Commission was established by the voters in 1993, and serves the public, City employees and officials, and local candidates through education and enforcement of governmental ethics laws, including public information, reports, and advice; campaign disclosure and economic interests filings; lobbyist and campaign consultant registration and reporting; public financing for City campaigns; audits, investigations, and enforcement.
8. Respondent Ben Rosenfield is the Controller for the City and County of San Francisco, and is being sued in his official capacity only.
9. Respondent Mark Leno is the treasurer for Mark Leno for Mayor 2018. Mark Leno for Mayor 2018 is a political campaign organization. Respondent Mark Leno is a party to this complaint in his official capacity as treasurer for the Mark Leno for Mayor 2018 campaign.
10. Respondent Mark Leno for Mayor 2018 was established on January 4, 2018 when Mark

Leno filed a Form 410 with the California Secretary of State, a Statement of Organization Recipient Committee (See **Exhibit 4**).

11. Petitioners do not know the true names and capacities of the Respondents sued herein as Does 1 through 10 inclusive. Petitioners will seek leave of Court to amend this complaint to allege said respondents' true names and capacities as soon as Petitioners ascertain them.

JURISDICTION

12. The San Francisco Campaign Finance Ordinance (Hereinafter "Ordinance") Section 1.168(b) provides two ways that a voter may pursue a violation to the Ordinance.

13. If a violation has already occurred, then the voter may file a complaint with the Ethics Commission. However, since Petitioner is unaware of any violation that has already occurred, Petitioner is unable to resolve this issue directly with the Ethics Commission.

14. Alternatively, "any voter, may bring a civil action to enjoin violations of or compel compliance with the provisions of this Chapter." A voter may commence a civil action under the Ordinance after giving "written notice to the City Attorney" at least 60 days before the filing of the action.

15. Based upon information and belief, Petitioners believe that Respondents are about to materially violate the Ordinance, and this Court needs to issue an order enjoining the Respondents from violating the Ordinance. Petitioners believe that this violation will occur as early as Tuesday, January 16, 2018.

16. Should Respondents violate the Ordinance, the residents of the City and County of San Francisco will be irreversibly harmed as the purpose of the Ordinance is to encourage competitive elections.

17. Should Respondents violate the Ordinance, Petitioners will be irreversibly harmed.

18. Because of the nature of the violation and the nature of the harm, Petitioners cannot wait 60 days for the City Attorney to respond to this issue before filing this Complaint.

19. On January 10, 2018, counsel for Petitioners sent an email to the Executive Director of

the Ethics Commission notifying her of a potential violation of the Ordinance.

20. Counsel for Petitioners notified the Executive Director that time was of the essence and that an immediate reply was needed. As of the filing of this Complaint, Counsel for Petitioners has not received any response about alternative ways to handle the impending violation of the Ordinance.

CAUSE OF ACTION

VIOLATION OF SAN FRANCISCO CAMPAIGN FINANCE REFORM ORDINANCE

21. On or about December 12, 2017, San Francisco Mayor Ed Lee unexpectedly passed away, creating a vacancy in the office of Mayor for the City of San Francisco.

22. The San Francisco Ethics Commission published the Supplement for Candidates for Mayor Seeking Public Funding (See **Exhibit 5**).

23. This Supplement states that all candidates who are interested in receiving public financing must file a Statement of Participation (Form SFEC 142-a) by January 9, 2018.

24. According to the San Francisco Ethics Commission website, there are seven Mayoral candidates who filed a Form SFEC 142-a by January 9, 2018.

25. The Mayoral candidates who filed a Statement of Participation include: Petitioner Angela Alioto, Mark Leno, London Breed, Mike Caccioppoli, Jane Kim, Amy Weiss, and Ellen Lee Zhou.

26. On or about April 28, 2000, the City of San Francisco passed the Ordinance.

27. Some of the key purposes of this Ordinance were to:

- a. Ensure that all individuals and interest groups in our city have a fair opportunity to participate in elective and governmental processes (Sec. 1.100(b)(2));
- b. Reduce the advantage of incumbents and thus encourage competition for elective office (Sec. 1.100(b)(4)); and
- c. Help restore public trust in governmental and electoral institutions (Sec. 1.100(b)(10)).

28. On or about January 5, 2018, Respondent Mark Leno for Mayor 2018 filed a Form

SFEC 142-a with the San Francisco Ethics Commission in which he stated that he was going to participate in the public financing program (See **Exhibit 6**).

29. On or about January 5, 2018, Respondent Mark Leno for Mayor 2018 filed a Form SFEC 152-a with the San Francisco Ethics Commission, which stated that Mark Leno for Mayor 2018 had already reached the first \$50,000 campaign funding threshold (See **Exhibit 7**).

30. Section 1.142 of the Ordinance states that the Executive Director of the Ethics Commission is responsible for determining whether a candidate is eligible to receive public funds. The Executive Director is then required to certify to the Controller that the candidate is eligible to receive public funds.

31. Section 1.144 of the Ordinance states that upon certification, a candidate is eligible to receive public funding, and that the Controller shall issue payment within two business days.

32. Section 1.144 of the Ordinance states that the earliest the Controller may disburse funds is 142 days before the date of the election. 142 days before the June 5, 2018 election date would be January 14, 2018. Because January 14th is a Sunday and January 15th is a holiday, the earliest date that the Controller may issue a check would be Tuesday, January 16, 2018.

33. According to Mark Leno for Mayor 2018's Form 152-a filing, Mark Leno raised \$51,072.00 by June 13, 2017.

34. Since Ed Lee did not unexpectedly pass away until December 12, 2017, there was no 2018 San Francisco Mayoral race on June 13, 2017. As such, it would have been impossible to have raised money for the 2018 Mayoral race in June of 2017.

35. According to Sec. 1.175 of the Ordinance, the Ethics Commission is to adopt regulations to implement the Ordinance.

36. It appears, based upon the filings of Mark Leno for Mayor 2018, that Mark Leno is attempting to transfer funds from Mark Leno for Mayor 2019 to his Mark Leno for Mayor 2018 campaign in order to qualify for and receive public funding for the 2018 race, even though the funds were not raised for the 2018 race.

37. According to regulation 1.104-1(a), “‘Matching contribution’ shall not include a contribution made to a candidate to support the candidate’s election to a different office, **or to support the candidate’s election to the same office in a different election year**” (Emphasis added).

38. The San Francisco Campaign Finance Reform Ordinance clearly shows that a candidate is not entitled to “matching contributions” if the funds were contributed to support the candidate’s election to the same office, but in a different election year – precisely the situation here, as is made clear by Leno’s certification that he reached the threshold for receiving public financing several months ago, on June 13, 2017 (Ex. 7).

39. Furthermore, according to Mark Leno for Mayor 2017’s Notification, the date of the contributions received is June 13, 2017. This date is more than 24 hours prior to the January 5, 2018 date as is required by the Ordinance.

40. Petitioners alleges that if this court does not issue an immediate restraining order, the residence of the City of San Francisco will be harmed. Furthermore, Petitioners campaign will be harmed because there is a limited fund available to all the candidates.

41. According to Sec. 1.144(c), the funds to be distributed are to be distributed to the qualified candidates on a “first-come, first-serve” basis.

42. Because of the large number of candidates in the race, there is a possibility that there will not be enough public funds for all the candidates to receive their full allotment of matching funds from the City of San Francisco.

43. By allowing Mark Leno for Mayor 2018 to transfer funds from his Mark Leno for Mayor 2019 campaign fund, not only does this violate the letter of the law, it also violates the spirit of the law by giving Mark Leno the first opportunity to access the limited funds available for public financing – and to do so in a different campaign than the one for which his purportedly qualifying funds were raised.

44. As discussed *supra*, the purpose of the Ordinance was to create a level playing field among candidates as to financing. Allowing Mark Leno for Mayor 2018 to circumvent the Ordinance would have the opposite effect; it will create an imbalanced playing field, one that favors Mark Leno

because he was gathering contributions for the Mayor's race for a different election year – a situation clearly at odds with the Ordinance's language.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

1. That this Court issue an order enjoining the Executive Director of the San Francisco Ethics Commission from certifying Mark Leno for Mayor 2018 from qualifying for public financing based on any funds which were not originally raised for the specific purpose of the 2018 San Francisco Mayoral election.
2. That this Court issue an order enjoining the Controller for the City and County of San Francisco from issuing any public financing to the account of Mark Leno for Mayor 2018 where any part of the qualifying funds were procured from Mark Leno for Mayor 2019, or from any other candidate committee.
3. That this Court issue an order enjoining Mark Leno for Mayor 2018 from using any funds raised by any other campaign committee to qualify for public financing in the 2018 Mayoral election.
4. Petitioners hereby requests their reasonable attorney's fees pursuant to Ordinance Sec. 1.168(b).
5. For whatever other relief that this Court deems necessary.

Date: January 11, 2018

DHILLON LAW GROUP INC.

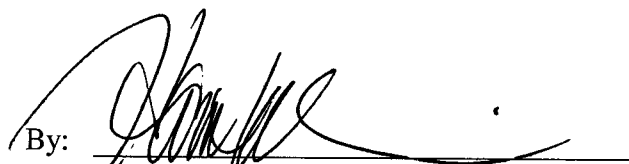
By: 
Harmeet K. Dhillon

EXHIBIT 1

ORIGINAL

Candidate Intention Statement

Check One: Initial Amendment (Explain) _____

Date Stamp FILED 17 DEC 18 AM 11:09 SAN FRANCISCO ETHICS COMMISSION	CALIFORNIA FORM 501 For Official Use Only ENTSEED
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1. Candidate Information:

NAME OF CANDIDATE (Last, First, Middle Initial) Quello Alinto DAYTIME TELEPHONE NUMBER (415) 434-8700 FAX NUMBER (optional) (415) 438-4638 E-MAIL (optional) _____

CITY San Francisco STATE CA ZIP CODE 94111

OFFICE BOUGHT (POSITION/TITLE) San Francisco Mayor AGENCY NAME City & County of San Francisco, Calif. DISTRICT NUMBER, if applicable _____ NON-PARTISAN

OFFICE JURISDICTION
 State (Complete Part 2.)
 City County Multi-County: _____ (Name of Multi-County Jurisdiction)
 Year of Election: June 2018

2. State Candidate Expenditure Limit Statement:

(CalPERS and CalSTRS candidates, Judges, Judicial candidates, and candidates for local offices do not complete Part 2.)

(Year of Election) Primary/general election _____ (Year of Election) Special/runoff election _____

(Check one box)

- I accept the voluntary expenditure ceiling for the election stated above.
- I do not accept the voluntary expenditure ceiling for the election stated above.

Amendment:

I did not exceed the expenditure ceiling in the primary or special election held on: ____/____/____ and I accept the voluntary expenditure ceiling for the general or special run-off election.

(Mark if applicable)

On ____/____/____, I contributed personal funds in excess of the expenditure ceiling for the election stated above.

3. Verification:

I certify under penalty of perjury under the laws of the State of California that the information provided is true and correct.

Executed on December 18, 2017 (month, day, year) Sign: _____

EXHIBIT 2

ORIGINAL

Statement of Organization
Recipient Committee

Statement Type Initial Amendment Termination - See Part 5
 Not yet qualified or Date qualified as committee
Date qualified as committee _____ Date of termination _____

Date Stamp
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DEC 27 AM 11:20
SAN FRANCISCO
ETHICS COMMISSION

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A Committee Information I.D. Number (if applicable) Treasurer and Other Principal Officers

NAME OF COMMITTEE
Anselma Alioto for Mayor 2018
CITY STATE ZIP CODE AREA CODE/PHONE
San Francisco CA 94111 415-434-8700
MAILING ADDRESS (IF DIFFERENT)
E-MAIL ADDRESS (REQUIRED) / FAX (OPTIONAL)
anselaav@aol.com
COUNTY OF DOMICILE JURISDICTION WHERE COMMITTEE IS ACTIVE
San Francisco San Francisco

NAME OF TREASURER
Rino L. Papasmani
CITY STATE ZIP CODE AREA CODE/PHONE
San Francisco CA 94118 415-706-3036
NAME OF ASSISTANT TREASURER, IF ANY
STREET ADDRESS (NO P.O. BOX)
CITY STATE ZIP CODE AREA CODE/PHONE
NAME OF PRINCIPAL OFFICER(S)
STREET ADDRESS (NO P.O. BOX)
CITY STATE ZIP CODE AREA CODE/PHONE

Attach additional information on appropriately labeled continuation sheets.

B Verification

I have used all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 12/26/2017 By [Redacted]
Executed on 12/26/2017 By [Redacted]
Executed on _____ By _____
Executed on _____ By _____

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

COMMITTEE NAME
Angela Alioto for Mayor 2018

- All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION: First Republic Bank
 AREA CODE/PHONE: 415-392-1400
 BANK ACCOUNT NUMBER: [REDACTED]

ADDRESS: [REDACTED] San Francisco CA 94111

Name of committee, complete applicable sections:
 Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan." Stating "No party preference" is acceptable.
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	CHECK ONE	
			Nonpartisan	Partisan (list political party below)
<u>Angela Alioto</u>	<u>Mayor</u>	<u>2018</u>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

Primarily Formed Committee Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER) IF A RECALL, STATE "RECALL" IN FRONT OF THE OFFICEHOLDER'S NAME.	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT 3

Type of filing: Initial Amendment

San Francisco Ethics Commission
25 Van Ness, Suite 220
San Francisco, CA 94102
Phone: (415) 252-3100
Fax: (415) 252-3112
Email: ethics.commission@sfgov.org
Web: www.sfethics.org



For SFEC use

E-Filed
01/08/2018
15:05:49

Filing ID:
167831879

**STATEMENT OF PARTICIPATION OR NON-PARTICIPATION
IN PUBLIC FINANCING PROGRAM**
(S.F. Campaign and Governmental Conduct Code § 1.142a)

Note: No later than the deadline for filing nomination papers, each candidate for Mayor or Board of Supervisors must file this form with the Ethics Commission to indicate whether he or she intends to participate in the public financing program. See Ethics Commission Regulation 1.142-1. Please write legibly and fill out the form completely. This form may not be amended after the deadline for filing nomination papers.

CANDIDATE INFORMATION	
Name of Candidate Angela Alioto	
Name of Campaign Committee Angela Alioto for Mayor 2018	FPPC I.D. No. 1401032
CANDIDATE'S STATEMENT	
Please check the appropriate box: <input checked="" type="checkbox"/> I agree to participate in the public financing program. I understand that filing this Statement does not establish my eligibility for, or obligate me to participate in, the public financing program. <i>(For further information regarding the application forms for public funds, please contact the San Francisco Ethics Commission, 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100, or visit its web site at www.sfethics.org.)</i> <input type="checkbox"/> I decline to participate in the public financing program. I understand that my statement of non-participation means that I will not participate in the public financing program. I have read and understand the requirements of the public financing program as set out in the Campaign Finance Reform Ordinance. Angela Alioto _____ Candidate's signature 01/08/2018 _____ Date	

EXHIBIT 4

ORIGINAL

Statement of Organization Recipient Committee

Statement Type: Initial, Amendment, Termination - See Part 5. List I.D. number: 1396338. Date qualified as committee: 05/04/2017.

FILED 18 JAN -4 PM. CALIFORNIA FORM 410. SAN FRANCISCO ETHICS COMMISSION. ENTERED stamp.

1. Committee Information

NAME OF COMMITTEE: Mark Leno for Mayor 2018. CITY: San Francisco. STATE: CA. ZIP CODE: 94104. AREA CODE/PHONE: (415)981-9940. FAX / E-MAIL ADDRESS: jguard@kaufmanlegalgroup.com. COUNTRY OF DONOR: San Francisco. JURISDICTION WHERE COMMITTEE IS ACTIVE: San Francisco.

2. Treasurer and Other Principal Officers

NAME OF TREASURER: Mark Leno. CITY: San Francisco. STATE: CA. ZIP CODE: 94104. AREA CODE/PHONE: (415)981-9940.

Attach additional information on appropriately labeled continuation sheets.

3. Verification

I have used all reasonable diligence in preparing this information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California. Executed on 12/29/17.

**Statement of Organization
Recipient Committee**

INSTRUCTIONS ON REVERSE

CALIFORNIA FORM 410	
Page 2	
LA NUMBER	1398338

COMMITTEE NAME
Mark Leno for Mayor 2018

• All committees must list the financial institution where the campaign bank account is located.

NAME OF FINANCIAL INSTITUTION California Bank & Trust	AREA CODE/PREFIX (415)875-1500	BANK ACCOUNT NUMBER [REDACTED]	
ADDRESS [REDACTED]	CITY San Francisco	STATE CA	ZIP CODE 94104

4. Type of Committee Complete the applicable sections.

Controlled Committee

- List the name of each controlling officeholder, candidate, or state measure proponent. If candidate or officeholder controlled, also list the elective office sought or held, and district number, if any, and the year of the election.
- List the political party with which each officeholder or candidate is affiliated or check "nonpartisan."
- If this committee acts jointly with another controlled committee, list the name and identification number of the other controlled committee.

NAME OF CANDIDATE/OFFICEHOLDER/STATE MEASURE PROPONENT	ELECTIVE OFFICE SOUGHT OR HELD (INCLUDE DISTRICT NUMBER IF APPLICABLE)	YEAR OF ELECTION	PARTY
Mark Leno	Sought: Mayor, San Francisco	2018	<input checked="" type="checkbox"/> Nonpartisan
			<input type="checkbox"/> Nonpartisan

Primarily Formed Committee Primarily formed to support or oppose specific candidates or measures in a single election. List below:

CANDIDATE(S) NAME OR MEASURE(S) FULL TITLE (INCLUDE BALLOT NO. OR LETTER)	CANDIDATE(S) OFFICE SOUGHT OR HELD OR MEASURE(S) JURISDICTION (INCLUDE DISTRICT NO., CITY OR COUNTY, AS APPLICABLE)	CHECK ONE	
		SUPPORT	OPPOSE
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Statement of Organization
Recipient Committee**
INSTRUCTIONS ON REVERSE

CALIFORNIA FORM 410
Page 3
I.D. NUMBER 1396338

COMMITTEE NAME
Mark Leno for Mayor 2018

4. Type of Committee (Continued)

General Purpose Committee Not formed to support or oppose specific candidates or measures in a single election. Check only one box:
 CITY Committee COUNTY Committee STATE Committee

PROVIDE BRIEF DESCRIPTION OF ACTIVITY

Sponsored Committee List additional sponsors on an attachment.

NAME OF SPONSOR	INDUSTRY GROUP OR AFFILIATION OF SPONSOR			
STREET ADDRESS	NO. AND STREET	CITY	STATE	ZIP CODE

Small Contributor Committee _____
Date qualified

5. Termination Requirements By signing the verification, the treasurer, assistant treasurer and/or candidate, officeholder, or proponent certify that all of the following conditions have been met:

- This committee has ceased to receive contributions and make expenditures;
- This committee does not anticipate receiving contributions or making expenditures in the future;
- This committee has eliminated or has no intention or ability to discharge all debts, loans received, and other obligations;
- This committee has no surplus funds; and
- This committee has filed all campaign statements required by the Political Reform Act disclosing all reportable transactions.
 - There are restrictions on the disposition of surplus campaign funds held by elected officers who are leaving office and by defeated candidates. Refer to Government Code Section 89519.
 - Leftover funds of ballot measure committees may be used for political, legislative or governmental purposes under Government Code Sections 89511 - 89518, and are subject to Elections Code Section 18680 and FPPC Regulation 18521.5.

EXHIBIT 5

SUPPLEMENT FOR CANDIDATES FOR MAYOR SEEKING PUBLIC FUNDING

JUNE 5, 2018 ELECTION



SAN FRANCISCO ETHICS COMMISSION

25 VAN NESS AVENUE, SUITE 220
SAN FRANCISCO, CALIFORNIA 94102
TELEPHONE: 415.252.3100 FACSIMILE: 415.252.3112
WEBSITE: WWW.SFETHICS.ORG
EMAIL: ETHICS.COMMISSION@SFGOV.ORG

This guide is intended to assist candidates in the process of applying for public financing. Candidates should use it as a supplement to the **Candidates' Guide for City Elective Office**, which details requirements of all candidates for City elective office.

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I. Introduction

This guide summarizes State and local laws applicable to candidates for Mayor who would like to participate in San Francisco's public financing program. It is intended to answer the most frequently asked questions about these laws, and therefore is necessarily general. Any specific questions regarding these laws should be directed to the San Francisco Ethics Commission at (415) 252-3100 or www.sfgov.org/ethics. In addition, candidates should consult the Commission's **Candidates' Guide for City Elective Office and FPPC Manual 2**, which are available at the office of the Ethics Commission and online.

Please be aware that additional requirements and restrictions may apply. To the extent this guide conflicts with State or local law, the law controls.



The dates/deadlines listed in this guide apply to the June 5, 2018 election.

Agency Contact Information:

Please be aware that although the Ethics Commission may administer and enforce several of the laws described in this guide, the Commission does not have authority to interpret or enforce all of these or related laws. In addition to the San Francisco Ethics Commission (SFEC), agencies that administer and enforce laws regulating candidates and elections include the California Secretary of State (SOS), the California Fair Political Practices Commission (FPPC), and the San Francisco Department of Elections. They may be contacted as follows:

SOS	www.ss.ca.gov	(916) 653-6224
FPPC	www.fppc.ca.gov	(866) 275-3772
S.F. Dept. of Elections	www.sfelections.org	(415) 554-4375

What is the public financing program?

In November 2000, the voters of San Francisco adopted Proposition O, the Fair Elections Ordinance. Among other things, Proposition O amended the San Francisco Campaign Finance Reform Ordinance, San Francisco Campaign and Governmental Conduct Code ("S.F. C&GC Code") section 1.100 *et seq.* ("CFRO"), to provide for partial public financing for candidates for the Board of Supervisors to help defray the costs of election campaigns.

Thereafter, the City extended the program to candidates for Mayor and made substantive changes to the provisions of the program. Under the program, candidates certified as eligible to receive public financing may receive from the Election Campaign Fund up to a maximum of \$975,000 (Non-Incumbent Candidates) or \$962,500 (Incumbent Candidates) on a first-come, first-served basis, provided that no funds will be disbursed if the disbursement of funds will result in the candidate exceeding his or her Trust Account Limit.

II. What Do You Need to Do to Qualify to Receive Public Funds?

Getting Started with Public Financing

- Step 1: Know what you're signing up for**
Read and understand applicable laws related to San Francisco's public financing program. This guide will provide an overview, but candidates are also responsible for reading and understanding applicable sections of the Campaign Finance Reform Ordinance ("CFRO") and Ethics Commission regulations pertaining to CFRO sections. These laws can be found in the "Laws" section of the SFEC website. You are also responsible for filing forms required by all candidates (regardless of participation in public financing program). See **Candidates' Guide for City Elective Office**.
- Step 2: Decide to participate or not participate**
File *Statement of Participation or Non-Participation in Public Financing* form [Form SFEC-142(a)]. After reviewing the rules of the program, indicate that you wish to participate by checking the appropriate box, signing and dating the form. Submit the form to the Ethics Commission on or before the last day to file nomination papers with the Department of Elections (January 9, 2018).
- Step 3: Submit your Application**
No sooner than September 5, 2017 and no later than March 27, 2018, submit *Qualifying Request* form [Form SFEC-142(b)-2], *Qualifying Contributions List* form [Form SFEC-142(c)-2], and supporting documentation to the Ethics Commission to establish eligibility. Note that by submitting your application, you are agreeing to abide by your individual expenditure ceiling. See "Presentation Guidelines" on page 9 for more information regarding the content and format of the application.

□ **Step 4: Set up a Good Recordkeeping System**

Candidates and treasurers are responsible for maintaining detailed records, pursuant to California Government Code (“Cal Gov’t Code”) Section 84104 (see also 2 Cal. Code of Regs. § 18401). All publicly financed candidates will be audited. Detailed records are essential to the audit and assist the committee in the submission of accurate and complete applications for public funds.

What are your responsibilities if you agree to participate in public financing?



In order to qualify for public financing, you must do the following:

- seek election as Mayor and be eligible to hold office if elected;
- no later than January 9, 2018, file a *Statement of Participation or Non-Participation* form [Form SFEC-142(a)], indicating your intent to participate;
- raise at least \$50,000 (Non-Incumbent) in qualifying contributions or \$75,000 (Incumbent) in contribution amounts from \$10 to \$100 from at least 500 individuals (Non-Incumbent) or 750 individuals (Incumbent) who reside in the City before the 70th day before the election (i.e., no later than March 26, 2018);
- submit a *Qualifying Request* form [Form SFEC-142(b)-2], a *Qualifying Contributions List* form [Form SFEC-142(c)-2], and supporting documentation;
- be opposed by a candidate who has qualified for public financing or by a candidate who has received contributions or made expenditures that in the aggregate equal or exceed \$50,000;
- agree to limit spending on your campaign to no more than your individual expenditure ceiling of \$1,475,000 or as raised by the Ethics Commission;
- not accept any loans to your campaign from anyone except yourself, and not loan or donate more than \$5,000 of your own money to your campaign;

- bear the burden of proving that each contribution you rely upon to establish eligibility is a qualifying contribution and that expenditures made with public funds are used only for qualified campaign expenditures;
- not make any payments to a contractor or vendor in return for the contractor or vendor making a campaign contribution to your committee; and not make more than a total of 50 payments to a contractor or vendor who has made a contribution to your committee;
- agree to participate in at least three debates with your opponents;
- have paid any outstanding fines owed to the City by you or any of your campaign committees;
- have filed any outstanding statements, reports or forms owed to the City by you or any of your campaign committees; and
- have no finding by a court or the Ethics Commission with the past five years that you knowingly, willfully, or intentionally violated any provision of the S.F. C&GC Code or the campaign finance provisions of the Political Reform Act.

Is there an amount of money you must raise to qualify?

Yes. Candidates for Mayor must receive at least \$50,000 in qualifying contributions (\$75,000 for incumbents) from at least 500 contributors (750 for incumbents) before the 70th day before the election. For the June 5, 2018 election, qualifying contributions must be received no sooner than December 5, 2016 and no later than March 26, 2018. See “The Qualifying Contribution” on page 8.

III. Understanding Individual Expenditure Ceilings

Candidates for Mayor or Board of Supervisors are not subject to a voluntary expenditure ceiling (VEC), which may govern candidates who run for Assessor, City Attorney, District Attorney, Public Defender, Sheriff, Treasurer, the Board of Education for the San Francisco Unified School District or the Governing Board of the San Francisco Community College District. Instead, if candidates for Mayor or Board of Supervisors participate in the public financing program, they are subject to an individual expenditure ceiling.

Individual Expenditure Ceiling (IEC)

Individual expenditure ceilings apply only to candidates who have been certified as eligible to receive public financing. For all Mayoral candidates seeking public financing, the IEC starts at \$1,475,000. The Executive Director of the Ethics Commission will raise the IEC of a certified candidate in increments of \$100,000 when:

- The sum of the highest Total Supportive Funds¹ of any other candidate seeking election to the same office and the total opposition spending² against the certified candidate exceeds \$1,475,000.

The IEC may be different for each individual candidate. An IEC may be raised incrementally, but not removed altogether. This means that a certified candidate will always be bound by an IEC.

Example:

Candidate A

Not a public financing candidate
Has \$1,400,000 in campaign trust account

Candidate B

Certified public financing candidate
Current IEC: \$1,475,000
Has \$1,400,000 in campaign trust account

Third Party Committee

Spends \$200,000 against Candidate B

Effect on Ceilings:

The Executive Director will adjust the IEC of the candidates as follows:

- For **Candidate A**, there will be no adjustment because **Candidate A** is not a publicly financed candidate; thus, **Candidate A** is not subject to an IEC.

¹ **Total supportive funds:** The sum of all funds (monetary contributions, loans, in-kind contributions and public funds) received by a candidate other than funds in the candidate's campaign contingency account, plus the expenditures made or expenses incurred by any person who makes independent expenditures, electioneering communications or member communications to support that candidate.

- For **Candidate B**, the Executive Director will add the total supportive funds of Candidate A (\$1,400,000) to the total opposition spending against **Candidate B** (\$200,000), which equals \$1,600,000. Because the Executive Director can adjust IECs only in increments of \$100,000, he/she will raise **Candidate B's** IEC by \$100,000 to \$1,575,000.

Example:

The Ethics Commission has certified four candidates running for Mayor as eligible to receive public funding. The IEC of each candidate is \$1,475,000. Reports filed at the Ethics Commission indicate that **Candidate A's** total supportive funds ("TSF") is \$1,400,000; **Candidate B's** TSF is \$1,600,000; **Candidate C's** TSF is \$1,000,000; and **Candidate D's** TSF is \$900,000. The Executive Director will raise the individual expenditure ceilings of **Candidate A, C, D** to \$1,575,000; the Executive Director will not raise the individual expenditure ceiling of **Candidate B** because no opposing candidate's TSF exceeds **Candidate B's** IEC by at least \$100,000.

Example:

Under the same facts as the prior example, total opposition spending against **Candidate B** reaches \$250,000. The Executive Director will adjust **Candidate B's** IEC as follows: add the highest TSF of any opposing candidate (\$1,400,000) to the total opposition spending against **Candidate B** (\$250,000), which equals \$1,650,000. Because the Executive Director may only adjust the IEC in \$100,000 increments, the Executive Director will adjust **Candidate B's** IEC to \$1,575,000.

What happens if you exceed your IEC?

If you receive public funds and you exceed your IEC by 10 percent or more, you must return all public funds received. You are also subject to other enforcement penalties.

² **Total opposition spending:** The sum of all expenditures made or incurred by any person for independent expenditures, electioneering communications or member communications to oppose a specific candidate. Total opposition spending does not include spending by a candidate to support himself or herself or to oppose his or her opponents in the same election.

IV. Do you Need a Campaign Contingency Account (CCA)?



It depends. If you are certified as eligible to receive public funds, the amount of funds in your Campaign Contribution Trust Account, if spent, may not exceed your individual expenditure ceiling. You may wish to maintain a Campaign Contingency Account ("CCA") separate from your Campaign Contribution Trust Account, which allows you to deposit contributions in anticipation of your individual expenditure ceiling being raised. This account must be established at the same bank as your Campaign Contribution Trust Account. If you open a CCA, you must file *Form SFEC-108* within 10 days of opening the account. Within 10 days after the election, a candidate who established a CCA must submit a money order, certified check or other written instrument prepared by the financial institution, made payable to the Ethics Commission for an amount equal to the amount of funds in his/her campaign contingency account, and submit it to the Ethics Commission along with *Form SFEC-108*.

Campaign Contingency Account (CCA)

An account separate from a certified candidate's Campaign Contribution Trust Account (CCTA). A candidate may deposit contributions into this account that are in excess of the candidate's Trust Account Limit.

Trust Account Limit (TAL)

The amount of funds in a CCTA of a candidate who is certified as eligible to receive public financing such that the expenditure of this amount would cause the candidate to reach but not exceed the candidate's individual expenditure ceiling. Funds deposited in a CCTA would not be deemed to exceed the TAL if they are transferred from the CCTA to the CCA within two business days of depositing those contributions in the CCTA.

Important points to remember:

- All contributions that you deposit into the CCA must be reported on FPPC Form 460 as if they were deposited into your CCTA.
- You may not deposit funds into the CCA if the amount of funds in your CCTA is less than your TAL.

- You may not make any expenditures from the CCA.
- You may transfer funds from your CCA to your CCTA, provided that the amount of funds in your CCTA does not exceed your trust account limit.
- All funds that qualify as matching contributions and that are transferred from your CCA to your CCTA will be matched with public funds in accordance with procedures set forth in the law.
- Within 10 days after the date of the election, you must turn over all funds in your CCA to the Election Campaign Fund.

Example:

Joan, a candidate for Mayor, has been certified as eligible to receive public funds from the Election Campaign Fund. Joan's individual expenditure ceiling begins at \$1,475,000. Joan spends \$430,000. Joan's trust account limit is now \$1,045,000.

Example:

Joan's individual expenditure ceiling has been raised to \$1,575,000. Joan has spent a total of \$450,000. Joan's trust account limit is now \$1,125,000.

V. What Records Must You Provide?

All candidates are required to retain records related to all contributions and expenditures for four years from the date of filing the campaign statement to which they relate. Candidates who participate in the public financing program must provide detailed records to demonstrate a contribution is a qualifying or matching contribution. Such records are necessary for the preparation of accurate and complete campaign statements. For your convenience, a list of some records you should keep is provided below.

- records related to contributions (i.e., deposit slips, deposit receipts, copies of contribution checks, money orders or cashiers/official/travelers checks; documentation of credit card contributions)
- bank statements
- check registers
- any other records reflecting a continuous computation of campaign account balances
- signed, dated, and completed contributor cards for contributions made by cash



The candidate bears the burden of proof.

- letter or other record describing non-monetary contribution and how the value was determined
- records related to electronic receipts/payments (including debit cards, internet transactions, credit cards, etc.)
- petty cash register and related receipts
- copies of records related to communications (e.g., sample of mass mailing, and transcript of recorded phone call)
- documentation for all expenditures (canceled checks, invoices, receipts, bills, and payment authorizations)
- correspondence (i.e., to/from contributors or vendors)

Organize Records from Day 1

Small campaigns may use a simple accordion file to organize records. Larger campaigns may use file folders, for example, to keep records organized.

For more information regarding recordkeeping requirements, you may refer to FPPC Manual 2, Chapter 4 of the FPPC Political Reform Act and the Ethics Commission’s *Records Required for Audit and Guidelines for Organizing Records* guide. Regardless of whether you seek public funding, you must keep detailed records of your receipts and disbursements. Please note that publicly financed candidates are required to submit records for each contribution that is to be matched with public funds.

See Cal. Gov’t Code § 84104, 2 Cal. Code of Regs § 18401 and SFEC Regulations § 1.142-3.

VI. The “Qualifying Contribution”



The candidate bears the burden of proof.

A qualifying contribution is:

- ✓ made by an individual who is a San Francisco resident;
- ✓ \$10 - \$100 (cumulatively) per contributor;
- ✓ made within 18 months prior to the election. A qualifying contribution must be received no sooner than December 5, 2016 and no later than March 26, 2018; and

- ✓ supported by appropriate documentation (see “Presentation Guidelines” on page 9 for more information about appropriate supporting documentation).

For contributions greater than \$100, only the first \$100 counts as a qualifying contribution. (The remainder may count as a matching contribution. See page 14 for information about matching contributions.)

Qualifying contributions do not include contributions that are:

- × loans;
- × from the candidate or his/her immediate family;
- × less than \$10 (cumulatively) from a single contributor;
- × made in violation of local or state law;
- × drawn on a business account;
- × not accompanied by adequate supporting documentation;
- × not made by an individual who is a San Francisco resident;
- × made after March 26, 2018. Qualifying contributions must be received no sooner than December 5, 2016 and no later than March 26, 2018;
- × not accompanied by a signed contribution card if the contribution is made in the form of cash. A completed contributor card (see pages 9 and 10) must be signed and dated at the time the contributor makes the cash contribution (applies to cash, money order, travelers/cashiers/official check contributions);
- × contributed to support the candidate’s election to a different office or a different term;
- × bounced checks; and
- × non-monetary contributions.

See S.F. C&GC Code § 1.104 and SFEC Regulations § 1.104-2.

Qualifying contributions do not include contributions made to a candidate to support the candidate’s election to a different office, or to support the candidate’s election to the same office in a different election year, where those contributions were unexpended and carried forward as contributions to a new campaign.

What if a contributor donates less than \$10?

If a contributor has donated less than \$10 (cumulatively), his/her contribution is not qualifying. However, if the contributor donates \$9, and later donates \$1, the two contributions taken together may be qualifying.

VII. Presentation Guidelines

The following instructions provide guidance as you prepare your application for public funds and supporting documentation. Beginning on September 5, 2017 and ending on March 27, 2018, you may submit your application to the Ethics Commission to establish eligibility. **Your application for public funds must consist of the following three items:**

- 1) *Qualifying Request* form; 2) *Qualifying Contributions List* form; and
- 3) *supporting documentation*.

Qualifying Request form

The form is a cover page on which you provide your contact information and agree to abide by the rules of the public financing program.

Qualifying Contributions List form

The form is a spreadsheet on which you list your qualifying contributions. This spreadsheet must also be submitted to the Ethics Commission as an attachment to an email. Each contribution must be separately itemized on the spreadsheet. Here are some points to remember about the spreadsheet:

- Include only qualifying contributions (i.e., do not list contributions from contributors who live outside of San Francisco).
- Fill in the "Deposit Batch" column. *See* "Deposit Batches" below for further instructions regarding deposit batches.
- Fill in the "Method of Payment" column.
- Make sure you have obtained occupation/employer information for contributors of \$100 or more.
 - o Check if contributors have given multiple donations, which may cause their cumulative contributions to equal or exceed \$100.
- Specify the amount of each contribution. The Ethics Commission will input the actual qualifying contribution amount (based on its review of supporting documentation).

Keep copies of all documentation submitted. The forms and supporting documentation that you submit to the Ethics Commission will not be returned to you.

Supporting Documentation

Track your contributions by organizing them in deposit batches. Assign a batch number to each deposit. For example, when you make your first deposit, you label the deposit "batch #1" and you make a list of all the contributions that are part of this deposit (include contributor name, date of contribution and contribution amount). Attach this list to copies of contribution checks (or contributor cards for cash contributions or merchant verification reports for credit card/online contributions) that were deposited as part of batch #1. Keep these items with your records for all contributions regardless of whether they are matched with public funds. With every deposit batch, you should also keep any correspondence sent to or received from contributors. For every contribution that you seek to be matched with public funds, you must provide copies of the deposit batches (including copies of checks, contributor cards for cash contributions, merchant verification reports for credit card/online contributions, and proof of San Francisco residency).

What methods of payment are "cash"?

- paper money
- money order
- cashier's check
- travelers check
- official check
- postal money order
- other similar forms of payment

Contributions made by one of the cash methods above require a signed and dated contributor card from each contributor, clearly stating: the committee's name, the amount of the contribution and that the method of payment was "cash," date of contribution, contributor's name, and contributor's residential address. The contributor card must be signed and dated at the time the contribution was made. **All cash contributions must be accompanied by proof of San Francisco residency.** A sample contributor card is provided below.

**(Insert Name of Candidate Committee and FPCC ID #)
Contributor Card**

Complete all of the information below:

Amount of Contribution: \$ _____ Date of Contribution: _____

Form of payment:

- Cash – may not exceed \$99.99
- Money Order – may not exceed \$99.99
- Cashier/Official/Travelers check – may not exceed \$99.99
- Check – make check payable to "insert name of committee"
- Credit Card/Online payment system

Contributor Name: _____

Street Address (no P.O. boxes): _____

City/State/Zip: _____

For donors of at least \$100 (cumulatively), the following information is also required:

Occupation: _____ Employer: _____
(if self-employed, provide name of business)

The following types of contributions to candidates for City elective office are prohibited:

- Cash contributions of \$100 or more.
- Contributions of \$25 or more not accompanied by the above information.
- Contributions from corporations (other entities not taxed as corporations may contribute).
- Contributions that exceed \$500. Related entities (a business and its owner, partnerships with the same general partner, a parent company and its subsidiaries and other affiliated entities) are subject to a single, combined limit of \$500.
- Contributions from foreign nationals (green card holders may contribute).
- Contributions that are reimbursed by another person (unless you inform us of the true source of the contribution).
- Contributions from an owner, director, officer or named sub-contractor of any entity that is currently negotiating a contract with [select appropriate: City and County of San Francisco, name of a City department, or the San Francisco Unified School District, the San Francisco Community College District, or board of a state agency that has a member who is appointed by a City elective officer], or of any person/entity that received such a contract within the last six months.

Note: Contributions from business accounts will not be matched with public funds.

Signature required of all contributors:
I certify that this contribution is not one of the prohibited contributions listed above.

X _____
Contributor's Signature Date

Note: A contributor card is not required (but may be obtained) for contributions made by check or credit card/online.


Checks drawn on Business Accounts

All qualifying contributions must be donated from an individual's personal funds, not from business accounts, even if funds have been "earmarked" for personal use. A business entity includes a "sole proprietorship."

Examples:

John Doe or Jane Doe
987 Mission St.
San Francisco, CA 94789

Date _____ 101


PAY TO THE ORDER OF  \$ _____ Dollars

Memo _____

[: 210678772 | : 10321547890" 101

Jane Doe
CPA
987 Mission St.
San Francisco, CA 94789

Date _____ 101


PAY TO THE ORDER OF  \$ _____ Dollars

Memo _____

[: 210678772 | : 10321547890" 101

Jane Doe Hardware or Jane Doe, Inc.
123 Mission St.
San Francisco, CA 94987

Date _____ 0608

Not Acceptable  \$ _____ Dollars

FOR _____

⑆000608⑆ ⑆00000105⑆1111111333301⑆

What if a contributor gives you \$100 in cash?

If you accept the \$100 in cash, you are violating the law. You may not give change to a contributor who gives you \$100 in cash. You may also not accept smaller cash contributions that in sum will equal or exceed \$100.

See Cal Gov't Code § 84300.

Deposit Batches—Summary of records required

- Include a copy of the deposit slip and deposit receipt with each batch.
- Clearly mark the batch number on each grouping of documents.
- Within each batch, keep supporting documentation for each individual contributor together.
- Include a copy of the **written instrument** and/or **signed and dated contributor card**.
- You should also attach a list of contributors and the amounts that they contributed to each deposit batch.
- If a contributor has given multiple contributions, include supporting documentation for each *contribution*.

Deposit batch

A collection of contributions that are grouped together ("batched") to comprise a single deposit to a bank.
Sum of contributions in a deposit batch = amount reflected on the bank-issued deposit receipt.

Written instrument

Check, credit card receipt, or record of electronic transfer of funds.

Date received

The date a contribution is received is the date your committee obtains possession of the written instrument or cash, not the date you deposit it into the bank account. (See 2 Cal. Code of Regs § 18421.1)

Example:

John Doe contributes \$50 on August 1 with a personal check that reflects his current S.F. residential address (preprinted on the check). No additional supporting documentation is required to be submitted to the Ethics Commission. You deposit his contribution into your bank account with the first batch of contributions that your campaign has received ("Batch 1").

On August 8, John Doe contributes \$75 in cash. You ask him to complete, sign and date a contributor card because you need proof of each contribution.

You specifically ask him to include his occupation and employer information because his contributions total \$100 or more. He must also fill in the space for "Amount of Contribution" and "Method of Contribution." You deposit the \$75 into your bank account with the second batch of contributions ("Batch 2").

To complete the *Qualifying Contributions List* form, you must include both of John Doe's contributions. He will occupy two lines of the spreadsheet, showing receipt dates of August 1 and August 8 and deposit batch numbers of 1 and 2, respectively. You include a copy of the \$50 check in the supporting documentation for Batch 1, and the contributor card for the \$75 contribution with the supporting documentation for Batch 2.

Example:

Jane Doe contributes \$60 on August 5 and \$40 on August 20 with personal checks, but the checks are preprinted with the address of a former residence. You must gather additional documentation to prove her current residential address is in San Francisco. She provides a copy of her driver's license, which she has updated to show her current address. On the *Qualifying Contributions List* form, you list the new address. You attach the copy of the check and the driver's license to the batch in which the \$60 check was deposited. The batch that includes the \$40 check need not include another copy of the driver's license (only a copy of the check is required).

Street Address

The *Qualifying Contributions List* form must list each contributor's current residential street address. Business/employer addresses and P.O. Boxes will not be accepted.

Occupation/Employer Information

You must obtain the occupation and employer information for any contributor who donates a total of \$100 or more.

Students, Retired, and Unemployed Contributors

Employer information is not required for contributors who are not employed, such as students, retired, or unemployed contributors. Simply specify "student" or "retired" or "unemployed" in the occupation field of the spreadsheet, and leave the employer field blank.

Self-Employed Contributors

Self-employed contributors must report their business names. If there is no business name, or if the business name is simply the contributor's own name, indicate the occupation (i.e., "painter") and "self-employed/same" as the business name. Some professions require a business name (i.e., "owner" or "manager" must have a business name), while others (i.e., "attorney" or "babysitter") may or may not. Please contact Ethics staff if you have questions.

Credit Card/Electronic/Internet Contributions

The candidate is responsible for providing adequate documentation for these types of contributions. Reports listing information about the contribution(s) should be sent directly from the vendor providing the electronic/online payment interface to the Ethics Commission. If a candidate wants to know whether the report of a credit card contribution provided by the vendor is sufficient to prove S.F. residency of the contributor, the candidate may fax or email a copy of such report to the Ethics Commission. An auditor will review the report and explain whether the report is sufficient to prove S.F. residency of the contributor. Alternatively, the candidate may grant Ethics staff access to his/her account to view/download reports.

Please note: Electronic/Internet contributions must be accompanied by supporting documentation that shows the billing address on the account. Shipping/ mailing addresses will not be accepted. Because of the diversity of online payment options, if you have any doubts regarding acceptable documentation, please contact the Ethics Commission prior to collecting contributions electronically/online. If your credit card vendor is unable to release the billing address to the Ethics Commission, you must provide proof of residency for each credit card/online contribution that you seek to be matched with public funds.

Contributor Cards / Signed Statements or Affidavits

For cash contributions, only contribution cards signed and dated at the time that the contribution was made will be accepted. Signed statements or affidavits may not be used as proof of San Francisco residency for public financing purposes. **All cash contributions must be accompanied by proof of San Francisco residency.**

How can you prove San Francisco residency?

The following documents are acceptable proof of S.F. residency:

- Current Driver's License / California Identification Card
- Recent utility bill
- Recent bank statement or credit card statement
- Current lease agreement
- Current voter registration record, which must show the voter id number of the contributor.
- Recent pay stub
- Current address preprinted on check/billing address of credit card account.

Supporting documentation must show the contributor's name and current address and must be valid (i.e., an expired driver's license will not be accepted). In the case of voter registration record, the documentation must also show the voter id number of the contributor.

Reminder: Proof of San Francisco residency must be provided for all cash contributions (cash contributions include money orders, official checks, etc.). A signed, dated and complete contributor card is also required for all cash contributions.

Proof of San Francisco residency is required for non-cash contributions when a contributor's San Francisco residential address is not pre-printed on his/her personal check or when the billing address (not shipping or mailing address) on the account of a credit card contributor is not a San Francisco residential address.

One Check from Two Accountholders

A contribution that is drawn on the account of two accountholders (i.e., a check with two names on it) is considered to be from the accountholder who signs the check. Therefore, if the check is intended to be from both accountholders, they should both sign the check or the person who did not sign the check must provide a signed statement (signed at the time the contribution was made) identifying the portion of the check that should be attributed to him/her.

VIII. Review of Application

The Executive Director will review your Qualifying Request and supporting documentation to determine if you are eligible to receive public funds. The Executive Director may audit your committee records, interview contributors and take whatever steps he or she deems necessary to determine eligibility.

See S.F. C&GC Code § 1.142(c).

What happens if you are certified?

If the Executive Director determines that you have satisfied all the requirements set forth in section 1.140 of CFRO, he or she will notify you, and certify to the Controller, that you are eligible to receive public funds. The Executive Director will make the determination whether or not to certify you within 30 days from the date that you submit your Qualifying Request and supporting documentation, but not later than the 55th day before the election (April 11, 2018).

Under regulations adopted by the Ethics Commission, the Executive Director may conditionally certify you if you satisfy all the requirements of section 1.140 except that you are not yet opposed by another candidate who has either established eligibility to receive public financing or who has received contributions or made expenditures that equal or exceed \$50,000.

See S.F. C&GC Code § 1.142; SFEC Regulations § 1.142-6.

Payment is not final determination

A payment of public funds to the candidate does not constitute a final determination of the amount that the candidate is entitled to receive. Post-election audits may lead to a determination that payments to the candidate were in excess, in which case the Ethics Commission will notify the Controller and the candidate. In addition to any other penalties, the candidate must pay back an amount equal to the amount of excess payments.

Example: A candidate uses public funds to pay for post-election bonuses to campaign employees or for a victory party. Because public funds may not be used to pay for these expenditures, the candidate must return to the Election Campaign Fund the amount of public funds used to pay the improper expenditures. (The candidate may also be subject to enforcement penalties.)

What happens if you are not certified?

If your Qualifying Request or supporting documentation is incomplete or otherwise inadequate to establish eligibility, you will not be certified. The Executive Director will notify you and within five business days of the notice date, you may *resubmit* the Qualifying Request and supporting documentation. If you do not resubmit by the deadline, the Executive Director's decision not to certify you is final. If, after reviewing the resubmitted material, the Executive Director declines to certify you, you may be given additional opportunities to resubmit your Qualifying Request and supporting documentation at the Executive Director's discretion. If you fail to resubmit or if no resubmissions are permitted, the Executive Director's decision is final.

You may appeal the Executive Director's decision to the Ethics Commission by delivering a written appeal to the Commission within five calendar days of the Executive Director's notification of ineligibility following resubmission.

What if you withdraw or fail to qualify to have your name on the ballot?

If you withdraw or fail to qualify to have your name printed on the ballot in the election for which the public funds were provided, you must repay to the Election Campaign Fund the full sum of public funds you received from the Fund. In addition, if you cease to be a candidate, you must either return contributions you received to persons who made such contributions on a last-in, first-out basis, donate such contributions to the City or a charitable organization, or use the contributions to pay outstanding campaign debts or expenses associated with terminating a committee.

See S.F. C&GC Code §§ 1.122(b) and 1.148(b).

IX. Disbursement of Public Funds

When will you receive public funds if you are certified?

The earliest date on which you may receive public funds is January 15, 2018. Mayoral candidates who have been certified as eligible to receive public financing for their election campaigns have access to funds from the Election Campaign Fund on a first-come, first-served basis based on the date and time that each claim is received by the Ethics Commission.

How much public funding will you receive initially?

Once you are certified as eligible to receive public funds, the Controller will pay you an initial amount of \$100,000 from the Election Campaign Fund. After the initial payment, you may submit the required forms and documentation to demonstrate matching contributions.

See S.F. C&GC Code § 1.144(c)(1)

How can you obtain public funds?

The Controller’s office will electronically transfer funds to your campaign contribution trust account. To set up electronic deposits to your committee’s bank account, you must submit form W-9 to the Ethics Commission to obtain a vendor identification number. The Commission will forward the W-9 form to the Controller’s office. After you receive the vendor identification number, please visit the Controller’s website at <http://www.sfcontroller.org/> to register your committee as a vendor using the vendor identification number assigned to you.

Can you receive more funds after the initial payment?

After the initial payment of \$100,000, for each dollar of matching contributions that you raise up to \$425,000, you will receive two dollars from the Election Campaign Fund. Thereafter, for each additional dollar of matching contributions that you raise up to \$25,000 (non-incumbents) or \$12,500 (incumbents), you will receive one dollar from the Election Campaign Fund. The maximum amount you may receive is \$975,000 (non-incumbents) or \$962,500 (incumbents).

	Private Funds Raised by Non-Incumbents	Matching Public Funds	Private Funds Raised by Incumbents	Matching Public Funds
Initial	\$50,000	\$100,000	\$75,000	\$100,000
1:2	\$425,000	\$850,000	\$425,000	\$850,000
1:1	\$25,000	\$25,000	\$12,500	\$12,500
Total	\$500,000	\$975,000	\$512,500	\$962,500
Total Public and Private Funds	\$1,475,000		\$1,475,000	

See S.F. C&GC Code § 1.144(c)

X. The “Matching Contribution”

A matching contribution (a candidate committee may submit an application to receive matching contributions only after the candidate committee has been certified to receive public funding):

- ✓ is a contribution up to \$500;
- ✓ has not already been counted as a qualifying contribution (Example: If the Ethics Commission counts the first \$100 of a \$250 contribution as a “qualifying contribution,” you may claim the remaining \$150 as a “matching contribution”);
- ✓ is made by an individual who is a San Francisco resident;
- ✓ is made within 18 months prior to election (not sooner than December 5, 2016 and not later than March 26, 2018); and
- ✓ is supported by appropriate documentation.

Matching contributions do not include contributions that are:

- ✗ already counted as qualifying or matching contributions;
- ✗ loans;
- ✗ from the candidate or his/her immediate family;
- ✗ made in violation of local or state law;
- ✗ drawn on a business account. A business entity includes a “sole proprietorship” ;
- ✗ not accompanied by adequate supporting documentation;
- ✗ not made by an individual who is a San Francisco resident;
- ✗ not accompanied by a signed and dated contributor card. A completed contributor card must be signed and dated at the time the contributor makes the cash contribution (applies to contributions made by cash, money order, travelers/cashiers/official check);
- ✗ contributed to support the candidate’s election to a different office or a different term;
- ✗ bounced checks; or
- ✗ non-monetary contributions.

Reminder: No corporation³ may make a contribution to a candidate committee, even if the candidate committee does not apply and/or qualify for public financing.

See S.F. C&GC Code § 1.104

How do you make a claim for additional public funds?

The information required in the forms and documentation will be very similar to the information and documentation required for establishing eligibility to participate in public financing program. You may file claims for additional public funds by submitting a *Matching Request* form [Form SFEC-144(c)-1]; and a *Matching Contributions List* form [Form SFEC-144(c)-2]; to submit claims for additional public funds. The *Matching Contributions List* form [Form SFEC-144(c)-2] must also be submitted by email to the Ethics Commission with the supporting documentation.

Is there a minimum threshold for claims involving matching contributions?

Yes. Any submission of a claim for public funds must include a minimum of \$5,000 of matching contributions, except that during the final 14 days before an election, a claim for public funds must include a minimum of \$1,000 of matching contributions.

How often may you submit a claim?

You may submit claims for additional funds on a rolling basis after you are certified as eligible to receive public funds. This means you may submit one claim at a time.

When is the last day you may request matching funds?

All claims for public funds must be submitted no later than 5:00 p.m. on the 30th day (July 5, 2018) following the date of the election.

³ The ban applies to a corporation organized pursuant to the laws of the State of California, the United States, or any other state, territory, or foreign country, whether for profit or not.

XI. Uses of Public Funds

A candidate must deposit all payments received from the Ethics Commission in the candidate committee campaign contribution trust account. A candidate may use public funds to pay for qualified campaign expenditures and to repay loans used to pay for qualified campaign expenditures.

A candidate may not use public funds to pay for expenses incurred in connection with an administrative or judicial proceeding, or to pay administrative, civil or criminal fines, including late filing fines, or to pay for inaugural activities or officeholder expenses. Unexpended funds may be used to pay for expenses associated with an audit such as bank fees, treasurer fees and storage fees until the Ethics Commission completes its audit of the candidate.

What is a qualified campaign expenditure?

A **qualified campaign expenditure** is any expenditure that a candidate committee makes for the purpose of influencing or attempting to influence the actions of the voters for the candidate's election as Mayor. A qualified campaign expenditure includes a non-monetary contribution to the candidate committee. It also includes the total cost actually paid or incurred by a candidate committee for a slate mailing or other campaign literature produced or authorized by more than one candidate. Qualified campaign expenditures do not include expenses incurred in connection with an administrative or judicial proceeding, payments for administrative, civil or criminal fines, including late filing fines, or for inaugural activities or officeholder expenses.

Please note that expenditures are considered made when goods or services are received or when payment is made, whichever occurs first.

XII. After the Election



The Audit

CFRO requires the Ethics Commission to audit all candidates who are certified to receive public funds for compliance with both state and local law. The audits will commence within 60 days after your first post-election campaign report is required to be filed, which is the semi-annual report that is due on July 31, 2018.

See S.F. C&GC Code § 1.150.

What happens if you have funds remaining in your Campaign Contingency Account?

If you have any funds remaining in your campaign contingency account after the election (you reached your trust account limit and were not able to transfer these funds to your campaign contribution trust account), you must turn over these funds to the City. Within ten days after the election, a candidate who elected to establish a CCA must submit a money order, certified check or other written instrument prepared by the financial institution, made payable to the Ethics Commission for an amount equal to the amount of funds in his/her campaign contingency account, and submit it to the Ethics Commission along with *Form SFEC-108*.

See S.F. C&GC Code § 1.108(b).

What happens if you have funds remaining in your Campaign Contribution Trust Account?

If you receive public funds and have unexpended funds in your campaign contribution trust account after the date of the election, you must return these funds to the City for deposit into the Election Campaign Fund. You must do so no later than 30 days after the date that you are elected, defeated, withdraw, or fail to qualify; or 30 days after the date the Ethics Commission completes its audit of your campaign committee, whichever is later. You may use unexpended funds to pay for expenses associated with an audit such as bank fees, treasurer fees and storage fees until the Commission completes its audit of your committee. The amount of funds you will be required to repay will not exceed the amount of public funds that you received.

See S.F. C&GC Code § 1.148(c).

Example:

You received \$400,000 in public funds. After the election, you have \$120,000 in unexpended funds. Even though you believe some of these funds came from your private contributors, you must pay \$120,000 to the Election Campaign Fund because all funds remaining in the candidate's account on the 30th day after the election are considered unexpended public funds regardless of the source of the funds.

Unexpended public funds

Funds that remain in your campaign contribution trust account on the 30th day after you are elected or not elected to office, regardless of the source of the funds. Unexpended funds will not exceed the amount of public funds you received. You may use unexpended public funds to pay for expenses associated with an audit such as bank fees, treasurer fees and storage fees until the Ethics Commission completes the audit of your committee. Funds that you raise after the 30th day after you are elected or not elected to office do not constitute unexpended public funds and may be used for any lawful purpose.

EXHIBIT 6

Type of filing: Initial Amendment

San Francisco Ethics Commission
25 Van Ness, Suite 220
San Francisco, CA 94102
Phone: (415) 252-3100
Fax: (415) 252-3112
Email: ethics.commission@sfgov.org
Web: www.sfethics.org



For SFEC use
E-Filed 01/05/2018 09:58:49
Filing ID: 167768606

**STATEMENT OF PARTICIPATION OR NON-PARTICIPATION
IN PUBLIC FINANCING PROGRAM**
(S.F. Campaign and Governmental Conduct Code § 1.142a)

Note: No later than the deadline for filing nomination papers, each candidate for Mayor or Board of Supervisors must file this form with the Ethics Commission to indicate whether he or she intends to participate in the public financing program. See Ethics Commission Regulation 1.142-1. Please write legibly and fill out the form completely. This form may not be amended after the deadline for filing nomination papers.

CANDIDATE INFORMATION	
Name of Candidate Mark Leno	
Name of Campaign Committee Mark Leno for Mayor 2018	FPPC I.D. No. 1396338
CANDIDATE'S STATEMENT	
Please check the appropriate box:	
<input checked="" type="checkbox"/> I agree to participate in the public financing program. I understand that filing this Statement does not establish my eligibility for, or obligate me to participate in, the public financing program. <i>(For further information regarding the application forms for public funds, please contact the San Francisco Ethics Commission, 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100, or visit its web site at www.sfethics.org.)</i>	
<input type="checkbox"/> I decline to participate in the public financing program. I understand that my statement of non-participation means that I will not participate in the public financing program.	
I have read and understand the requirements of the public financing program as set out in the Campaign Finance Reform Ordinance.	
Mark Leno Candidate's signature	01/05/2018 Date

EXHIBIT 7

San Francisco Ethics Commission
 25 Van Ness, Suite 220
 San Francisco, CA 94102
 Phone: (415) 252-3100
 Fax: (415) 252-3112
 Email: ethics.commission@sfgov.org
 Web: www.sfethics.org



For SFEC use

E-Filed
 01/05/2018
 16:55:22

Filing ID:
 167793806

**THRESHOLD:
 NOTICE BY MAYOR OR BOARD OF SUPERVISORS CANDIDATES
 OF REACHING THRESHOLD(S)
 (S.F. Campaign and Governmental Conduct Code § 1.152(a) and 1.152(b))**

NOTICE OF REACHING FIRST THRESHOLD:
 Each candidate must file this statement with the Ethics Commission within 24 hours of receiving contributions to be deposited in his or her Campaign Contribution Trust Account, or making expenditures that equal or exceed \$10,000 for Board of Supervisors, or \$50,000 for Mayor.

NOTICE OF REACHING SECOND THRESHOLD OR SUPPLEMENTAL NOTICE OF REACHING ADDITIONAL THRESHOLD:

BOARD OF SUPERVISORS CANDIDATES	MAYORAL CANDIDATES
<p>This form must be filed by all candidates in any district where at least one candidate is certified as eligible to receive public funds. By signing this form, you certify that the information provided in it is accurate.</p> <p>(1) File this form within 24 hours of when you:</p> <ul style="list-style-type: none"> • receive \$100,000 or more (monetary contributions, loans, in-kind contributions and public funds); or • spend \$100,000 or more (paid and unpaid expenditures). <p>(2) Thereafter, file this form within 24 hours of each time your</p> <ul style="list-style-type: none"> • receipts (monetary contributions, loans, in-kind contributions and public funds); or • expenditures (paid and unpaid expenditures) <p>reach an additional \$10,000 amount (i.e., when your receipts or expenditures, whichever comes first, reach \$110,000, \$120,000, \$130,000, etc.).¹</p>	<p>This form must be filed by all candidates in a race for Mayor where at least one candidate is certified as eligible to receive public funds. By signing this form, you certify that the information provided in it is accurate.</p> <p>(1) File this form within 24 hours of when you:</p> <ul style="list-style-type: none"> • receive \$1,000,000 or more (monetary contributions, loans, in-kind contributions and public funds); or • spend \$1,000,000 or more (paid and unpaid expenditures). <p>(2) Thereafter, file this form within 24 hours of each time your</p> <ul style="list-style-type: none"> • receipts (monetary contributions, loans, in-kind contributions and public funds); or • expenditures (paid and unpaid expenditures) <p>reach an additional \$50,000 amount (i.e., when your receipts or expenditures, whichever comes first, reach \$1,050,000, \$1,100,000, \$1,150,000, etc.).²</p>

¹ File this form once for each \$10,000 threshold reached. For example, if you file this form to report that your receipts have reached \$140,000, you do not need to file it again when your expenditures reach \$140,000. However, if subsequently your expenditures reach \$150,000 and you have not filed a form that your receipts have reached \$150,000 you must file this form.

² File this form once for each \$50,000 threshold reached. For example, if you file this form to report that your receipts have reached \$1,050,000, you do not need to file it again when your expenditures reach \$1,050,000. However, if subsequently your expenditures reach \$1,100,000 and you have not filed a form that your receipts have reached \$1,100,000 you must file this form.

CANDIDATE INFORMATION:			
Name of Candidate	Office Sought	District No. (if any)	Date of Election
Mark Leno	Mayor		06/05/2018
Name of Campaign Committee			FPPC ID No.
Mark Leno for Mayor 2018			1396338

NOTICE OF REACHING FIRST THRESHOLD:	
Board of Supervisors Candidate \$10,000 Threshold	Mayor Candidate \$50,000 Threshold
On _____, I Enter date	On <u>06/13/2017</u> , I Enter date
<input type="checkbox"/> received contributions, or <input type="checkbox"/> made expenditures	<input checked="" type="checkbox"/> received contributions, or <input type="checkbox"/> made expenditures
that in the aggregate equal or exceed \$10,000.	that in the aggregate equal or exceed \$50,000.

NOTICE OF REACHING SECOND THRESHOLD OR SUPPLEMENTAL NOTICE OF REACHING ADDITIONAL THRESHOLD:	
Board of Supervisors Candidate \$100,000 Threshold or Additional \$10,000 Threshold	Mayor Candidate \$1,000,000 Threshold or Additional \$50,000 Threshold
On _____, I Enter date	On _____, my Enter date
<input type="checkbox"/> received contributions, or <input type="checkbox"/> made expenditures	<input type="checkbox"/> received contributions, or <input type="checkbox"/> made expenditures
that in the aggregate equal or exceed _____. (e.g., \$100,000, \$110,000, \$120,000, etc.)	that in the aggregate equal or exceed _____. (e.g., \$1,050,000, \$1,100,000, \$1,150,000, etc.)

CUMULATIVE DATA:		
Contributions (monetary, non-monetary and loans) and Public Funds Received to Date ³	Expenditures Incurred to Date (including unpaid bills)	Current Balance of Funds in Campaign Contribution Trust Account
51,072.00	4,384.63	46,687.37

Mark Leno
Candidate's Signature

01/05/2018
Date

³ Publicly funded candidates may choose to open a CCA. If you have a CCA, you may not deposit funds into your CCA if the amount of funds in your Campaign Contribution Trust Account (CCTA) is less than your Trust Account Limit (TAL). Any amount that is deposited into the CCTA that will be transferred to the CCA within two business days (because you have reached your TAL) should not be reported on this form. However, you must report all amounts, including amounts greater than your TAL, on FPPC Form 460.