

Rule 16 ~~Implementing I-122~~ (Democracy Voucher Program)

A. Candidate’s Representative – ~~SMC 2.04.620(d)~~ (SMC 2.04.624.A)

A candidate or an officer of the candidate’s political committee must register a candidate’s representative with the Commission in writing.

B. Debates – ~~SMC 2.04.630(b)~~ (SMC 2.04.630.B.1)

A debate is a live event, open to the general public, at which all candidates who show minimal public support have an opportunity to respond to questions. Each candidate must be given an equal opportunity to participate.

To show minimal public support, a candidate's campaign reports filed with the Commission must show no fewer than the following number of contributors 72 hours prior to the debate:

Mayor	100
At-large City Councilmember	50
District City Councilmember	25
City Attorney	50

Nothing in this rule relieves public agencies that sponsor debates from responsibility for ensuring that all candidates for particular races are invited to participate.

C. Qualifying Contributions – ~~SMC 2.04.630(c)~~ (SMC 2.04.630.C)

A qualifying contribution must be a monetary contribution. Loans, pledges, or in-kind contributions are not counted toward the minimum number of contributions a candidate needs to qualify for the Program.

D. Campaign Spending Limit – ~~SMC 2.04.630(d)~~

~~To avoid double-counting, “cash on hand” included in the calculation of the Campaign Spending Limit means cash on hand in excess of a committee’s debts and obligations (line 20 on the C-4).~~

D. Use of Democracy Voucher Proceeds – ~~SMC 2.04.630(i) and (j)~~ (SMC 2.04.634.C and E)

1. A participating candidate has 45 days from withdrawing, becoming ineligible, losing qualification, losing an election, or winning the general election, to pay all campaign debts and obligations. If a participating candidate dies, the campaign has 90 days to pay all campaign debts and obligations.

2. After paying all campaign debts and obligations, any remaining funds, up to the amount of Democracy Vouchers redeemed by the candidate, will be considered Unspent Democracy Voucher Proceeds. Such funds must be refunded to the Democracy Voucher Program within those 45 days (or 90 days upon the death of a participating candidate).

3. A participating candidate or their treasurer can request an extension, which the Director shall grant upon a showing that complying with these deadlines would constitute an unreasonable hardship.

E. Duplicate Vouchers – SMC 2.04.658.D

If the SEEC receives more than two vouchers with the same voucher identification number, or five or more vouchers from the same assignor, the Executive Director will within five business days ~~contact the assignor to~~ determine the circumstances (and take action, where appropriate). If the Executive Director has reason to believe that the assignor or some other person knowingly submitted a voucher that has been purchased, stolen, or forged, the Executive Director will initiate an investigation. If, after an investigation, the Executive Director finds reason to believe that a Democracy Voucher has been purchased, stolen, or forged, in addition to pursuing remedies available under the Elections Code, the Executive Director shall refer the matter to the City Attorney for the City Attorney's consideration of whether to file criminal charges. The purchase, sale, theft, or forgery of a Democracy Voucher is a gross misdemeanor, punishable by a fine of up to \$5,000 and/or imprisonment for a term of up to 364 days.

F. Returning All Democracy Voucher Proceeds – ~~SMC 2.04.658~~ (SMC 2.04.630.D)

A participating candidate who accepts and retains monetary contributions in excess of the contribution limit for that office under ~~SMC 2.04.630(b)~~ (SMC 2.04.630.B.3), or exceeds the ~~Campaign Spending Limit (Maximum Campaign Valuation)~~ without the Commission's authorization, does not participate in three debates without receiving a waiver from the Commission, or obtains Democracy Vouchers through intentional acts of forgery, threats, duress, or coercion, shall refund within 10 days of being ordered to by the Commission the sum of all Democracy Voucher proceeds that candidate has redeemed.

G. Primary Elections

(This rule) ~~Rule 16.H.~~ only applies if a candidate is in an election race that will have a primary election.

~~1. Campaign Spending and Contribution Limits. If, pursuant to SMC 2.04.630(f), the Commission releases a candidate from the campaign spending and/or contribution limits imposed by SMC 2.04.630(b) & (d) before a primary election, the limits under those two sections are reinstated the day that the candidate again becomes eligible to redeem democracy vouchers. Money raised and spent between the day prior to the Commission's decision to release a candidate from the spending cap through the first day that a candidate become eligible to redeem vouchers shall not count toward the total spending limit under SMC 2.04.630(d).~~

1. (Campaign Spending and Contribution Limits)

a. Pursuant to SMC 2.04.634.B, the Commission may release a candidate from the maximum campaign valuation identified in Table A for SMC 2.04.634 or from the contribution limits imposed by SMC 2.04.630.B.

b. If the Commission releases a candidate from the maximum campaign valuation limits or contribution limits described in Rule 16.G.1.a above, the limits are reinstated the day the candidate again becomes eligible to redeem democracy vouchers.

c. If the Commission released a candidate from maximum campaign valuation limits or contribution limits as described in Rule 16.G.1.a above, and limits are reinstated as described in Rule 16.G.1.b above, then the money raised and spent in excess of the Primary maximum campaign valuation during the period commencing with the Commission's release decision date and ending with the Rule 16.G.1.b reinstatement date shall not count toward the total campaign valuation limit in Table A for SMC 2.04.634.)

2. Democracy Voucher Redemption. No democracy vouchers may be redeemed (toward the general election) for any candidate after a primary election until either:

a. the primary election is certified, or

b. the (Executive) Director determines that the two candidates moving forward to the general election are evident beyond a reasonable doubt.