1
2
3
4
5

[Municipal Elections Code - Supporters and Opponents in Ballot Questions for Local Measures]

Ordinance amending the Municipal Elections Code to opt out of state law that would require the names of supporters and opponents of a local ballot measure to be listed in the ballot statement or question for the measure.

6
7
8
9

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in _single-underline italics Times New Roman font_.
Deletions to Codes are in ~~_strikethrough italics Times New Roman font_~~.
Board amendment additions are in <u>double-underlined Arial font</u>.
Board amendment deletions are in ~~double-underlined Arial font~~.
Asterisks (*   *   *) indicate the omission of unchanged Code subsections or parts of tables.

10
11

Be it ordained by the People of the City and County of San Francisco:

12
13

Section 1. Findings

14
15
16

(a) The Municipal Elections Code requires the City Attorney to prepare a general statement or question to appear on the ballot for each local ballot measure submitted to the voters. Such statements are limited to 30 words, except for unusually complex measures or bond measures, where the general statement or question may be up to 100 words long.

17
18
19
20
21
22
23

(b) In 2022, the State enacted new requirements for ballot questions for state and local ballot measures. Assembly Bill 1416 (AB-1416) requires the ballot statement or question for both statewide measures and local measures to include a list of supporters and opponents of each measure. The list of supporters and the list opponents may each be up to 125 characters in length. The names of the supporters and opponents must be drawn from the proponents of the measure or from the arguments in favor and against the measure included in the voter information pamphlet. AB-1416 became operative on January 1, 2023.

24
25

1   (c) In enacting AB-1416, the Legislature stated that it intended the new requirements

2   to apply to charter cities like San Francisco.

3   (d) With respect to local ballot measures, AB-1416 gives counties the authority to opt

4   out of the new requirements: "a county board of supervisors may elect not to list supporters

5   and opponents for county, city, district and school measures on the county ballot and future

6   county ballots." Cal. Elections Code Sec. 9170(d).

7   (e) The Director of Elections has determined that including a list of supporters and

8   opponents in the ballot statement or question will significantly increase the length of the ballot

9   and therefore increase the number of ballot cards required for each ballot. Increasing the

10   number of cards will cause the Department of Elections to incur additional expenses for each

11   election due to the material costs of the ballot cards and postage as well as staff time required

12   to process additional cards. The Director of Elections estimates that the cost of complying

13   with AB-1416 for local ballot measures in the 2024 elections will potentially exceed

14   $1,000,000. The proponents and opponents of each local ballot measure already appear in

15   the voter information pamphlet sent to each voter prior to an election.

16   (f) Given the projected increase in costs of administering elections associated with

17   including a list of supporters and opponents in the ballot statement or question for each local

18   measure, and the minimal added benefit to voters in light of the information the Department of

19   Elections already provides in the voter information pamphlet, San Francisco elects to opt out

20   of the requirements of AB-1416 for local measures, as provided by Section 9170(d) of the

21   legislation.

22

23   Section 2. Article V of the Municipal Elections Code is hereby amended by revising

24   Section 510, to read as follows:

25

SEC. 510. CITY ATTORNEY STATEMENT OR QUESTION.

(a) **Format**. Except as provided in Subsection (c) of this Section, the City Attorney shall prepare a general statement of any ballot measure to be submitted to the voters, followed by the words "yes" and "no," so arranged that voters may indicate a choice upon the ballot. The general statement or question shall not exceed 30 words, except where the subject measure is unusually complex, in which case the general statement or question shall not exceed 100 words.

(b) **Deadline**. The general question or statement for any measure shall be transmitted to the Director of Elections no fewer than 85 days prior to the election to which it relates, for printing and inclusion in the voter information pamphlet.

(c) **Bond Measures**. The City Attorney shall not prepare the general statement of a bond measure where the Board of Supervisors approves a general statement of the measure by ordinance or resolution. The general statement of a bond measure shall not exceed 100 words.

*(d) **List of Supporters and Opponents of Measure**. Notwithstanding Section 9170(a) of the California Elections Code, and as authorized by Section 9170(d) of the California Elections Code, the general statement or question of any ballot measure to be submitted to voters shall not list the supporters or the opponents of the measure.*

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

1   Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors

2   intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

3   numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

4   Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

5   additions, and Board amendment deletions in accordance with the "Note" that appears under

6   the official title of the ordinance.

7

8   APPROVED AS TO FORM:
     DAVID CHIU, City Attorney
9

10   By: */s/ Bradley A. Russi*
            BRADLEY A. RUSSI
11   Deputy City Attorney

12   n:\legana\as2023\2300360\01677870.docx

13

14

15

16

17

18

19

20

21

22

23

24

25