

FILE NO. 120899

ORDINANCE NO.

1 [Municipal Elections Code - Miscellaneous Amendments]

2

3 **Ordinance amending the Municipal Elections Code by amending Sections 100, 110,**
4 **200, 205, 220, 230, 260, 335, 500, and 590, and adding Section 810 to: incorporate state**
5 **law provisions governing Community College and Board of Education candidates;**
6 **change deadlines for withdrawal of candidacy and candidate qualification statements;**
7 **change the public inspection period for candidate materials; change requirements for**
8 **petition circulator badges; delete the requirement that a disclaimer appear before**
9 **Board of Supervisors' arguments in the Voter Information Pamphlet; incorporate state**
10 **law provisions governing signatures in lieu of filing fees; reinstate candidate filing fee**
11 **provisions; and make other technical amendments.**

12 NOTE: Additions are *single-underline italics Times New Roman*;
13 deletions are ~~*strike-through italics Times New Roman*~~.
14 Board amendment additions are double-underlined;
15 Board amendment deletions are ~~strikethrough normal~~.

16

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

17 Section 1. The San Francisco Municipal Elections Code is hereby amended by
18 amending Sections 100, 110, 200, 205, 220, 230, 260, 335, 500, and 590, and adding section
19 810, to read as follows:

20 SEC. 100. CHARTER AUTHORIZATION; INCORPORATION OF STATE AND
21 FEDERAL LAW.

22 This San Francisco Municipal Elections Code is adopted consistent with San Francisco
23 Charter Section 13.100. Where not otherwise provided for by the Charter or by this Municipal
24 Elections Code, applicable provisions of State and federal law shall apply. All references in this

25 Supervisor Kim
BOARD OF SUPERVISORS

1 Code to sections or divisions of the California Elections Code shall also be construed to refer to any
2 successor provisions of those sections or divisions.

3
4 SEC. 110. DEFINITIONS.

5
6 Whenever the following terms are used in this Municipal Elections Code, these
7 definitions shall apply:

8
9 (a) "City elective officer" shall mean the offices of Mayor, Member of the Board of
10 Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender, Member of
11 the Board of Education of the San Francisco Unified School District and Member of the Governing
12 Board of the San Francisco Community College District.

13
14 (ab) "Measure" means an ordinance, charter amendment, referendum, recall,
15 declaration of policy, or bond measure that will be voted on only in the City and County of San
16 Francisco.

17
18 (bc) "Signed and sworn statement" means a statement signed under penalty of
19 perjury under the laws of the State of California, that includes the original signature of the
20 signer. Facsimile or electronically produced or reproduced signatures are not original
21 signatures for purposes of this Article.

22
23 (ed) "Voter" means an individual who is registered to vote in the City and County
24 of San Francisco.

1 SEC. 200. NOMINATION AND RECALL OF ELECTIVE OFFICERS;
2 INCORPORATION OF STATE LAW.

3 Except as otherwise provided by the Charter or this Municipal Elections Code,
4 nomination of elective officers for the Board of Education of the San Francisco Unified School
5 District or the Governing Board of the San Francisco Community College District shall be made
6 pursuant to California Elections Code Section 10602 et seq. and nomination of all other City elective
7 officers shall be made pursuant to California Elections Code Section 10220 et seq., ~~and~~ ~~the~~
8 recall of elective officers shall be made pursuant to California Elections Code Section 11000
9 et seq. If the official proposed to be removed at a recall election is recalled, the vacancy shall
10 be filled pursuant to Charter Sections 3.100(15) and 13.101.5.

11
12 SEC. 205. NOMINATION DEADLINES.

13 ~~Candidates for the Board of Education of the San Francisco Unified School District or~~
14 ~~the Governing Board of the San Francisco Community College District shall follow the~~
15 ~~nomination deadlines established by California Elections Code Section 10602 et seq. (a)~~
16 ~~Candidates for Mayor and the Board of Supervisors for all other City elective offices must file~~
17 ~~nomination papers no later than the 446th~~147th~~ day before a municipal election during normal~~
18 ~~office hours, as posted. Not earlier than the 471st~~172nd~~ day nor later than the 446th~~147th~~ day~~
19 ~~before the election, the voters may nominate these candidates for election by signing a~~
20 ~~nomination paper.~~

21 (b) Candidates for all other City elective offices shall follow the nomination deadlines
22 established by California Elections Code Section 10220 et seq.

23
24 SEC. 220. CANDIDATE QUALIFICATION STATEMENTS.

1 (a) **Content and Form of Statement.** Candidates may file a candidate
2 qualification statement including the name, age and occupation of the candidate and a
3 description of no more than 200 words of the candidate's education and qualifications as
4 expressed by the candidate. To ensure that all statements are filed in a uniform format, the
5 statement shall be in a manner specified and on a form provided by the Director of Elections
6 for this purpose.

7
8 (b) **Deadline for Submission of Statement.** Candidates who choose to submit a
9 candidate qualification statement shall file the statement with the Department of Elections
10 when the candidate returns his or her nomination papers for filing.

11
12 (c) **Inclusion of Nominators and Supporters.** The candidate qualification
13 statement may but need not include the names of some or all of the candidate's nominators.
14 The statement may also include the names of individuals and entities which support the
15 candidate but which did not serve as nominators. However, the names of such supporters
16 shall not be published as part of the candidate's qualification statement unless the candidate
17 provides the supporter's written authorization at the time the statement is submitted to the
18 Director of Elections. The authorization shall be in a form prescribed by the Director of
19 Elections. If the candidate chooses to include the names of nominators or other supporters in
20 the candidate qualification statement, these names shall be counted toward the 200-word
21 limit.

22
23 (d) **Limitations.** The candidate qualification statement shall not include the party
24 affiliation of the candidate, nor membership or activity in partisan political organizations.

1 (e) **Withdrawal of Statement.** ~~A candidate for the Board of Education of the San~~
2 ~~Francisco Unified School District or the Governing Board of the San Francisco Community~~
3 ~~College District may withdraw, but not change, his or her candidate qualification statement by~~
4 ~~filing with the Director of Elections a signed and sworn statement of withdrawal no later than~~
5 ~~5:00 p.m. of the sixty-seventh day prior to the election. A candidate for Mayor or the Board of~~
6 ~~Supervisors any other City elective office may withdraw, but not change, his or her candidate~~
7 ~~qualification statement by filing with the Director of Elections a signed and sworn statement of~~
8 ~~withdrawal no later than 5:00 p.m. of the 102nd 123rd 126th day prior to the election. A candidate~~
9 ~~for any other City elective office may withdraw, but not change, his or her candidate~~
10 ~~qualification statement by filing with the Director of Elections a signed and sworn statement of~~
11 ~~withdrawal no later than 5:00 p.m. of the sixty-seventh day prior to the election.~~

12
13 SEC. 230. FILING FEES; SIGNATURES IN LIEU OF FILING FEES.

14
15 (a) Except where the Charter or this Code provides otherwise, the applicable provisions
16 of Division 8, Part 1, Chapter 1 of the California Elections Code shall govern the collection,
17 submission, and processing of signatures in lieu of filing fees.

18
19 (b) Each candidate shall pay to the Director of Elections at the time of filing the
20 candidate's declaration of candidacy and nomination certificates the fee specified in Section
21 810 of this Code.

22
23 (b~~c~~) In lieu of part or all of the filing fee, a candidate may submit to the Director of
24 Elections signatures of voters registered in San Francisco. Each signature submitted shall
25 reduce the fee by the amount specified in Section 840 of this Code. Each in-lieu petition shall

1 include spaces for the voter's signature, printed name and residence address. The residence
2 address shall include street and number within the City and County, or other adequate
3 designation of residence so that the location may be readily ascertained. Across the top of
4 each printed page there shall be printed in 12-point boldface type the following: "Petition in
5 Lieu of Candidate Filing Fee."

6
7 (ed) A candidate may submit a greater number of signatures than required to
8 reduce the filing fee to zero. The Director of Elections shall not be required to determine the
9 validity of a greater number of signatures than that required to reduce the filing fee to zero. If
10 the number of signatures affixed to an in-lieu petition is 100 or more, the Director of Elections
11 may use a random sampling technique for verification of the signatures. The random sampling
12 shall include an examination of 100 signatures, or three percent of the total number of
13 signatures submitted, whichever is greater. Upon completion of the verification of signatures
14 in the sample, the percentage of signatures which are valid shall be applied and projected to
15 the total number of signatures submitted.

16 SEC. 260. WITHDRAWAL OF CANDIDACY.

17 The name of every candidate who has been duly and regularly nominated shall be
18 placed on the ballot under the title of the office for which he or she is a candidate, provided
19 that a candidate whose nomination has been completed may withdraw as a candidate by filing
20 a signed and sworn statement of withdrawal with the Director of Elections. Statements of
21 withdrawal by candidates for Mayor or the Board of Supervisors must be filed no fewer than 67
22 days later than 5:00 p.m. on the 102nd 123rd 126th day before the election. Statements of
23 withdrawal by candidates for all other City elective offices must be filed no later than 5:00 p.m.
24 on the 67th day before the election. No candidate may withdraw after these deadlines. ~~No~~
25 candidate may withdraw as a candidate after 5:00 p.m. on the 67th day before the date of the election.

1 This section shall not apply to the withdrawal of a candidacy for the Board of Education
2 of the San Francisco Unified School District or the Governing Board of the San Francisco
3 Community College District, which shall be governed by California Elections Code Section
4 40603(b).

5
6 SEC. 335. CIRCULATOR IDENTIFICATION REQUIREMENTS.

7
8 (a) ~~Upon request of a~~Any person ~~circulating, as a principal or agent, or~~ having charge
9 or control of the circulation of, or obtaining signatures to, any City initiative, referendum or
10 recall petition, ~~shall request circulator identification badge templates from the Department of~~
11 ~~Elections. Upon request,~~ the Department of Elections shall provide ~~badges to that person to be~~
12 ~~worn as described in subsection (b). Each badge shall~~ one badge template containing ~~either~~ the
13 words "VOLUNTEER CIRCULATOR" ~~or~~ and a second badge template containing the words "PAID
14 CIRCULATOR." ~~Each~~ The badge templates shall ~~be printed in~~ specify a font and size that ~~is~~ will be
15 clearly legible to the intended public. When the Department of Elections provides badge ~~s~~
16 templates to any person pursuant to this subsection, the Department of Elections also shall
17 provide written notice to ~~the~~ that person ~~requesting the badges~~ describing the requirements set
18 forth in subsection (b).

19
20 (b) Every person is guilty of an infraction, punishable by the maximum fine
21 allowed under state law, who, circulating, as a principal or agent, ~~or having charge or control of~~
22 ~~the circulation of,~~ or obtaining signatures to, any City initiative, referendum or recall petition,
23 intentionally fails to display an identification badge provided by the Department of Elections
24 pursuant to subsection (a) on his or her outermost piece of clothing that includes the words
25

1 "VOLUNTEER CIRCULATOR" if the person is not being paid to circulate the petition or "PAID
2 CIRCULATOR" if the person is being paid to circulate the petition.

3
4 (c) The person having charge or control of the circulation of, or obtaining signatures to,
5 any petition shall provide every person circulating the petition with a badge stating whether that
6 person is a paid or volunteer circulator. Each badge shall be printed in the font and size specified in
7 the badge template provided by the Department of Elections. The person having charge or control of
8 the circulation of, or obtaining signatures to, any petition

9 ~~Every person who receives written notice from the Department of Elections described in~~
10 ~~subsection (a)~~ shall also provide an exact copy of the written notice described in subsection (b) to
11 every person to whom the person distributes a badge ~~received from the Department of Elections.~~
12 Any person who fails to provide an exact copy of the written notice as required under this
13 subsection shall be guilty of an infraction, punishable by the maximum fine allowed under
14 State law.

15
16 (d) Upon request by any person, a person circulating, as a principal or agent, or
17 having charge or control of the circulation of, or obtaining signatures to, any City initiative,
18 referendum or recall petition shall disclose the name(s) of the proponents of the petition. Any
19 person who intentionally fails to make such disclosure shall be guilty of an infraction,
20 punishable by the maximum fine allowed under State law.

21
22 SEC. 500. VOTER INFORMATION PAMPHLET; CONTENTS; FORMAT.

23
24 With respect to any election to be held in the City and County, the Director of
25 Elections shall prepare a voter information pamphlet. The voter information pamphlet shall

1 contain, in addition to any other material required by the Charter or by general law, the
2 following materials:

3
4 (a) **General contents:**

5
6 (1) A table of contents;

7
8 (2) An index of candidates and measures;

9
10 (3) A brief explanation of the purpose and use of the pamphlet;

11
12 (4) A summary of voters' rights, including a description of the right provided to
13 every elector by California Elections Code sections 9295 and 13314 to seek a writ of mandate
14 or an injunction prior to the publication of the Voter Information Pamphlet, requiring any or all
15 of the materials submitted for publication in the Pamphlet to be amended or deleted;

16
17 (5) A brief description of the rules and procedures that govern the submission,
18 selection and publication of ballot arguments in the pamphlet, including a statement explaining
19 that each person entitled to submit a "Proponent's" or "Opponent's" argument is chosen
20 pursuant to the priority list stated in Section 545 of this Code;

21
22 (6) A disclaimer that neither the Director of Elections nor any other City
23 agency, official or employee verifies the accuracy of information contained in the ballot
24 arguments or candidate qualification statements appearing in the pamphlet, and an
25

1 explanation that any person submitting a ballot argument or qualifications statement bears the
2 sole responsibility for claims made therein;

3
4 (7) Artwork, graphics and other material which the Director of Elections
5 determines will make the pamphlet easier to understand or more useful to the voter;

6
7 (8) Definitions of terms appearing in the pamphlet; and

8
9 (9) A sample ballot.

10
11 (b) **Contents as to candidates:**

12
13 (1) The candidate qualification statement of each candidate for ~~an~~ City elective
14 office ~~of the City and County~~;

15
16 (2) A brief statement of the term, compensation, and duties of each City
17 elective office ~~of the City and County~~ appearing in the pamphlet; and

18
19 (3) Any notice required by the Campaign Finance Reform Ordinance or the
20 Political Reform Act, Government Code Section 85600, informing voters whether the
21 candidate has adopted the applicable voluntary expenditure ceiling.

22
23 (c) **Contents as to measures:**

24
25 (1) The identification of each measure by letter and title;

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(2) The City Attorney's statement or question for each measure;

(3) The digest of each measure prepared by the Ballot Simplification Committee;

(4) The Controller's financial analysis of each measure;

(5) An explanation of how the measure qualified for submission to the voters;

(A) If the measure was submitted to the voters by the Board of Supervisors, the explanation required by Subsection (c)(5) of this Section shall identify those Supervisors who voted for submission of the measure and those Supervisors who voted against submission of the measure,

(B) If the measure was submitted to the voters by four or more members of the Board of Supervisors, the explanation required by Subsection (c)(5) of this Section shall identify those Supervisors who submitted the measure,

(C) If the measure was submitted to the voters by initiative petition, the explanation required by Subsection (c)(5) of this Section shall include the number of valid signatures of registered San Francisco voters that were required to qualify the measure for the ballot, and the date on which the Director of Elections certified that the measure qualified for the ballot;

1 (6) The full text of each measure to be voted upon at the election;

2
3 (7) The opponent, proponent, rebuttal and paid arguments, if any, for or
4 against each measure. ~~and~~

5
6 ~~—— (8) A disclaimer before the opponent, proponent or rebuttal arguments that are~~
7 ~~authorized by motion by the Board of Supervisors and submitted by the Board of Supervisors or by one~~
8 ~~or more members of the Board of Supervisors for or against any measure, stating, "The Board of~~
9 ~~Supervisors authorized the submission of the following argument. As of the date of the publication of~~
10 ~~this Voter Information Pamphlet, the following Supervisors endorse the measure [insert names of~~
11 ~~Supervisors who have by 5:00 p.m. on the deadline for the submission of the proponent and opponent~~
12 ~~arguments set forth in Section 535 of this Code notified the Department of Elections in writing that they~~
13 ~~endorse the measure]; oppose the measure [insert names of Supervisors who have by 5:00 p.m. on the~~
14 ~~deadline for the submission of the proponent and opponent arguments set forth in Section 535 of this~~
15 ~~Code notified the Department of Elections in writing that they oppose the measure]; take no position on~~
16 ~~the measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the submission of~~
17 ~~the proponent and opponent arguments set forth in Section 535 of this Code either failed to notify the~~
18 ~~Department of Elections that they support or oppose the measure or notified the Department of~~
19 ~~Elections in writing that they have not taken a position on the measure]" This disclaimer shall not be~~
20 ~~counted towards the number of words permitted in each argument.~~

21
22 Measures, and the material specified in this Section relating to said measures, shall
23 be printed in the voter information pamphlet in the same order in which designated upon the
24 ballot.

1 If space allows, the items specified in Subsection (c)(1) to (c)(5) of this Section shall
2 be printed together on the same page of the voter information pamphlet. This page shall be
3 known as the "ballot measure title page." The ballot measure title page shall also indicate: the
4 page number at which the full text of the measure is printed; the page number at which the
5 arguments for or against the measure are printed; and, if applicable the page number at which
6 the definitions of terms appearing on ballot measure title page are printed.

7
8 The format of the voter information pamphlet shall be determined by the Director of
9 Elections, subject to the approval of the Ballot Simplification Committee.

10
11 SEC. 590. VOTER INFORMATION PAMPHLET; PUBLIC EXAMINATION.

12 California Elections Code Sections 9295 and 13313 require that certain materials
13 submitted for publication in the voter information pamphlet shall be subject to a 10-day public
14 examination period. The public examination period for each category of material is specified
15 below, ~~and commences one day after the deadline for submitting that material to the Department of~~
16 ~~Elections and ends ten days later.~~ Following the close of the public examination period for each
17 category of material, the Department of Elections may proceed with publication of that
18 material.

19
20 (a) Candidate Materials.

21 Candidate legal names submitted under Section 210 of this Article, candidate qualification
22 statements submitted under Section 220 of this Article, ballot designations submitted under Section 225
23 of this Article, and translated or transliterated Chinese names submitted under Section 401 of this
24 Article shall be available for public examination for a period of ten days immediately following the
25 filing deadline for submission of those materials.

1 ~~(1) —Candidate Qualification Statements. Candidate qualification statements submitted~~
2 ~~pursuant to Section 220 of this Article shall be available for public examination starting no later than~~
3 ~~noon on the eighty-seventh day prior to the election. The public examination period shall end at noon~~
4 ~~on the seventy-seventh day prior to the election.~~

5
6 ~~——(2) —Ballot Designations. Candidate ballot designations submitted pursuant to Section~~
7 ~~225 of this Article shall be available for public examination starting no later than noon on the eighty-~~
8 ~~seventh day prior to the election. The public examination period shall end at noon on the seventy-~~
9 ~~seventh day prior to the election.~~

10
11 (b) Ballot Measure Materials.

12
13 (1) **Ballot Digests.** Statements prepared by the Ballot Simplification
14 Committee pursuant to Section 610 of this Article shall be available for public examination
15 starting no later than noon on the eighty-fourth day prior to the election. The examination
16 period shall end at noon on the seventy-fourth day prior to the election.

17
18 (2) **Controller Statements.** Statements prepared by the Controller pursuant to
19 Section 520 of this Article shall be available for public examination starting no later than noon
20 on the eighty-fourth day prior to the election. The public examination period shall end at noon
21 on the seventy-fourth day prior to the election.

22
23 (3) **City Attorney Statements or Questions.** Statements or questions
24 prepared by the City Attorney pursuant to Section 510 of this Article shall be available for
25 public examination starting no later than noon on the eighty-fourth day prior to the election.

1 The public examination period shall end at noon on the seventy-fourth day prior to the
2 election.

3
4 (4) **Proponent and Opponent Arguments.** Proponent and opponent
5 arguments submitted pursuant to Section 535(a) of this Article shall be available for public
6 examination starting no later than noon on the eighty-first day prior to the election. The public
7 examination period shall end at noon on the seventy-first day prior to the election.

8
9 (5) **Rebuttal Arguments.** Rebuttal arguments submitted pursuant to Section
10 535(b) of this Article shall be available for public examination starting no later than noon on
11 the seventy-seventh day prior to the election. The public examination period shall end at noon
12 on the sixty-seventh day prior to the election.

13
14 (6) **Paid Arguments.** Paid arguments submitted pursuant to Section 535(c) of
15 this Article shall be available for public examination starting no later than noon on the seventy-
16 seventh day prior to the election. The public examination period shall end at noon on the sixty-
17 seventh day prior to the election.

18
19 (c) **Other Materials.** For all other materials submitted for publication in the voter
20 information pamphlet that are subject to a 10-day public examination period pursuant to
21 California Elections Code Sections 9295 and 13313, but for which an examination period is
22 not specified by this Section, the examination period shall commence no later than noon on
23 the seventy-seventh day prior to the election and shall end at noon on the sixty-seventh day
24 prior to the election.

1 SEC. 810. CANDIDATE FILING FEES.

2 (a) Except as provided in Subsection (b), at the time a candidate files his or her declaration of
3 candidacy and nomination certificates the candidate shall pay to the Department of Elections a sum
4 equal to \$2,000 or two percent of the current annual salary for the office to which the candidate seeks
5 election, whichever is greater.

6 (b) At the time a candidate for the Board of Supervisors, Board of Education of the San
7 Francisco Unified School District, or the Governing Board of the San Francisco Community College
8 District files his or her declaration of candidacy the candidate shall pay \$500 to the Department of
9 Elections.

10 Section 2. Effective Date. This ordinance shall become effective 30 days from the
11 date of passage.

12 Section 3. Operative Date. Section 1 of this ordinance shall become operative
13 January 1, 2013.

14 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
15 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
16 punctuation, charts, diagrams, or any other constituent part of the Municipal Elections Code
17 that are explicitly shown in this legislation as additions, deletions, Board amendment
18 additions, and Board amendment deletions in accordance with the "Note" that appears under
19 the official title of the legislation.

20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: _____
23 Andrew Shen
24 Deputy City Attorney

25 n:\ethics\las2013\0900453\00828607.docx