

LEGISLATIVE DIGEST

[Municipal Elections Code – Miscellaneous Amendments]

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

Existing Law

Incorporation of State law

The Municipal Elections Code sets deadlines and nomination procedures for candidates for City elective office. Unless stated otherwise, State law provisions for municipal elections govern the nomination of City elective officers, including City College and Board of Education candidates.

Nomination and withdrawal deadlines

The Municipal Elections Code includes the following deadlines for all City candidates:

- Nomination papers must be filed by the 146th day before an election.
- Withdrawals of candidacy must be filed no later than the 67th day before an election.
- Candidate qualification statements may be withdrawn no later than the 67th day before an election.

Public Inspection Period

The Municipal Elections Code requires that ballot designations and candidate qualification statements be available for public inspection from noon on the eighty-seventh day before an election until noon on the seventy-seventh day.

Petition Circulator Badges

Circulators of initiative, referendum, or recall petitions must wear badges stating whether they are paid or working as volunteers. The Municipal Elections Code requires the Department of Elections to provide these badges to all petition circulators, upon request.

Signatures in lieu of filing fees

Candidates may submit signatures in lieu of filing fees. Each signature reduces the filing fee by \$0.50.

Disclaimer before Board of Supervisors ballot arguments

The Board of Supervisors may authorize ballot arguments for publication in the Voter Information Pamphlet. The Municipal Elections Code requires disclaimers stating whether each Board member endorses, opposes, or takes no position on each measure for which the Board submitted ballot arguments.

Filing Fees

The Municipal Elections Code does not establish candidate filing fees.

Amendments to Current Law

The proposal would amend the Municipal Elections Code (MEC) as follows.

Incorporation of State Law (MEC § 200)

Nomination procedures for City College and Board of Education candidates would be governed by State law provisions for school district and community college district elections, rather than State law provisions for municipal elections.

Nomination and withdrawal deadlines (MEC §§ 205, 220, 260)

The new, earlier nomination deadline (the 147th day before an election) would apply only to candidates for Mayor and the Board of Supervisors. For these candidates, withdrawals of candidacy and withdrawals of candidate qualification statements for would be due no later than the 126th day before an election.

All other candidates for City elective office would follow the nomination deadline established by state law (the 88th day before an election). For these candidates, withdrawals of candidacy and withdrawals of candidate qualification statements for would be due no later than the 67th day before an election.

Public Inspection Period (MEC § 590)

The public inspection period for candidate materials would be a ten-day period immediately following the filing deadline for submission of those materials. The proposed amendments would specify that candidate legal names and translated or transliterated Chinese names are subject to this inspection period.

Petition Circulator Badges (MEC § 335)

Persons in charge of circulating initiative, referendum, or recall petitions would be responsible for preparing their own circulator badges based on a template provided by the Department of Elections.

Signatures in lieu of filing fees (MEC § 230)

Except where stated otherwise, signatures in lieu would be governed by Division 8 of the California Elections Code. The per-signature reduction would remain \$0.50.

Disclaimer before Board of Supervisors ballot arguments (MEC § 500)

The proposed amendment would delete the requirement to publish a disclaimer before Board of Supervisors arguments.

Filing Fees (MEC § 810)

The proposed amendment would add a provision setting filing fees at their current levels:

- For most City offices, the filing fee would be \$2,000 or two percent of the current annual salary for the office to which the candidate seeks election, whichever is greater.
- For the Board of Supervisors, Board of Education of the San Francisco Unified School District, and the Governing Board of the San Francisco Community College District, filing fees would be \$500.

The proposal would add a definition of “City elective office” and make other technical changes. (MEC §§ 100, 110, 500.)

Background Information

Recent amendments to the City’s public financing program included changes to candidate nomination deadlines and procedures. This proposal makes additional conforming changes to candidate nomination deadlines, withdrawal deadlines, and the public inspection period for candidate materials. The first draft specified that the new, earlier deadlines would apply to all candidates for City elective office except for City College and Board of Education candidates. The second draft states that the new, earlier deadlines apply only to candidates for the Mayor and the Board of Supervisors.

The Department of Elections recommended amendments to provisions governing signature-in-lieu provisions, petition circulator badges, and the disclaimer before Board arguments.

This proposal reinstates the candidate filing fee provision at Section 810 of the Municipal Elections Code, which was inadvertently deleted in prior amendments.

Second Draft

This draft amends MEC Section 205 to push back the nomination deadline for all candidates except those for Mayor and the Board of Supervisors. It also specifies the period during which candidates for Mayor and the Board of Supervisors may circulate nomination papers. The draft amends sections 220 (candidate qualifications) and 260 (withdrawal of candidacy) to track the amended nomination deadlines.

Third Draft

This draft amends section 205 to modify the nomination period for mayoral and supervisorial candidates from 171–146 days before the election to 172-147 days before the election, so that the first day of the nomination period does not fall on a Saturday. Correspondingly, this draft also amends sections 220(e) and 260 to change the withdrawal deadline for these candidates to the 126th day before the election.