

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: 1) incorporate**
 5 **state law provisions governing Community College and Board of Education**
 6 **candidates; 2) change deadlines for withdrawal of candidacy and candidate**
 7 **qualification statements; 3) change the public inspection period for candidate**
 8 **materials; 4) change requirements for petition circulator badges; 5) delete the**
 9 **requirement that a disclaimer appear before Board of Supervisors' arguments in the**
 10 **Voter Information Pamphlet; 6) incorporate state law provisions governing signatures**
 11 **in lieu of filing fees; 7) reinstate candidate filing fee provisions; and 8) make other**
 12 **technical amendments.**

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

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

18 Section 1. The San Francisco Municipal Elections Code is hereby amended by
 19 amending Sections 100, 110, 200, 205, 220, 230, 260, 335, 500, and 590, and adding section
 20 810, to read as follows:

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

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

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 the
14 Governing Board of the San Francisco Community College District shall follow the nomination
15 deadlines established by California Elections Code Section 10602 et seq. Candidates for all other
16 City elective offices must file nomination papers no later than the 146th day before a municipal
17 election during normal office hours, as posted.

18
19 SEC. 220. CANDIDATE QUALIFICATION STATEMENTS.

20
21 (a) **Content and Form of Statement.** Candidates may file a candidate
22 qualification statement including the name, age and occupation of the candidate and a
23 description of no more than 200 words of the candidate's education and qualifications as
24 expressed by the candidate. To ensure that all statements are filed in a uniform format, the
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1 statement shall be in a manner specified and on a form provided by the Director of Elections
2 for this purpose.

3
4 (b) **Deadline for Submission of Statement.** Candidates who choose to submit a
5 candidate qualification statement shall file the statement with the Department of Elections
6 when the candidate returns his or her nomination papers for filing.

7
8 (c) **Inclusion of Nominators and Supporters.** The candidate qualification
9 statement may but need not include the names of some or all of the candidate's nominators.
10 The statement may also include the names of individuals and entities which support the
11 candidate but which did not serve as nominators. However, the names of such supporters
12 shall not be published as part of the candidate's qualification statement unless the candidate
13 provides the supporter's written authorization at the time the statement is submitted to the
14 Director of Elections. The authorization shall be in a form prescribed by the Director of
15 Elections. If the candidate chooses to include the names of nominators or other supporters in
16 the candidate qualification statement, these names shall be counted toward the 200-word
17 limit.

18
19 (d) **Limitations.** The candidate qualification statement shall not include the party
20 affiliation of the candidate, nor membership or activity in partisan political organizations.

21
22 (e) **Withdrawal of Statement.** A candidate *for the Board of Education of the San*
23 *Francisco Unified School District or the Governing Board of the San Francisco Community College*
24 *District* may withdraw, but not change, his or her candidate qualification statement by filing
25 with the Director of Elections a signed and sworn statement of withdrawal no later than 5:00

1 p.m. of the sixty-seventh day prior to the election. A candidate for any other City elective office
2 may withdraw, but not change, his or her candidate qualification statement by filing with the Director
3 of Elections a signed and sworn statement of withdrawal no later than 5:00 p.m. of the 102nd day prior
4 to the election.

5
6 SEC. 230. FILING FEES; SIGNATURES IN LIEU OF FILING FEES.

7
8 (a) Except where the Charter or this Code provides otherwise, the applicable provisions
9 of Division 8, Part 1, Chapter 1 of the California Elections Code shall govern the collection,
10 submission, and processing of signatures in lieu of filing fees.

11
12 (b) Each candidate shall pay to the Director of Elections at the time of filing the
13 candidate's declaration of candidacy and nomination certificates the fee specified in Section
14 810 of this Code.

15
16 (c) In lieu of part or all of the filing fee, a candidate may submit to the Director of
17 Elections signatures of voters registered in San Francisco. Each signature submitted shall
18 reduce the fee by the amount specified in Section 840 of this Code. Each in-lieu petition shall
19 include spaces for the voter's signature, printed name and residence address. The residence
20 address shall include street and number within the City and County, or other adequate
21 designation of residence so that the location may be readily ascertained. Across the top of
22 each printed page there shall be printed in 12-point boldface type the following: "Petition in
23 Lieu of Candidate Filing Fee."

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

10 SEC. 260. WITHDRAWAL OF CANDIDACY.

11 The name of every candidate who has been duly and regularly nominated shall be
12 placed on the ballot under the title of the office for which he or she is a candidate, provided
13 that a candidate whose nomination has been completed may withdraw as a candidate by filing
14 a signed and sworn statement of withdrawal with the Director of Elections no ~~fewer than 67~~
15 ~~days later than 5:00 p.m. on the 102nd day~~ before the election. ~~No candidate may withdraw as a~~
16 ~~candidate after 5:00 p.m. on the 67th day before the date of the election.~~

17 *This section shall not apply to the withdrawal of a candidacy for the Board of Education of the*
18 *San Francisco Unified School District or the Governing Board of the San Francisco Community*
19 *College District, which shall be governed by California Elections Code Section 10603(b).*

20
21 SEC. 335. CIRCULATOR IDENTIFICATION REQUIREMENTS.

22
23 (a) ~~Upon request of a~~Any person ~~circulating, as a principal or agent, or~~ having charge
24 or control of the circulation of, or obtaining signatures to, any City initiative, referendum or
25 recall petition, *shall request circulator identification badge templates from the Department of*

1 Elections. Upon request, the Department of Elections shall provide ~~badges to that person to be~~
2 ~~worn as described in subsection (b).~~ Each badge shall one badge template containing ~~either~~ the
3 words "VOLUNTEER CIRCULATOR" ~~or~~ and a second badge template containing the words "PAID
4 CIRCULATOR." ~~Each~~ The badge templates shall ~~be printed in~~ specify a font and size that ~~is~~ will be
5 clearly legible to the intended public. When the Department of Elections provides badges
6 templates to any person pursuant to this subsection, the Department of Elections also shall
7 provide written notice to ~~the~~ that person ~~requesting the badges~~ describing the requirements set
8 forth in subsection (b).

9
10 (b) Every person is guilty of an infraction, punishable by the maximum fine
11 allowed under state law, who, circulating, as a principal or agent, ~~or having charge or control of~~
12 ~~the circulation of,~~ or obtaining signatures to, any City initiative, referendum or recall petition,
13 intentionally fails to display an identification badge provided by the Department of Elections
14 pursuant to subsection (a) on his or her outermost piece of clothing that includes the words
15 "VOLUNTEER CIRCULATOR" if the person is not being paid to circulate the petition or "PAID
16 CIRCULATOR" if the person is being paid to circulate the petition.

17
18 (c) The person having charge or control of the circulation of, or obtaining signatures to,
19 any petition shall provide every person circulating the petition with a badge stating whether that
20 person is a paid or volunteer circulator. Each badge shall be printed in the font and size specified in
21 the badge template provided by the Department of Elections. The person having charge or control of
22 the circulation of, or obtaining signatures to, any petition

23 ~~Every person who receives written notice from the Department of Elections described in~~
24 ~~subsection (a)~~ shall also provide an exact copy of the written notice described in subsection (b) to
25 every person to whom the person distributes a badge ~~received from the Department of Elections.~~

1 Any person who fails to provide an exact copy of the written notice as required under this
2 subsection shall be guilty of an infraction, punishable by the maximum fine allowed under
3 State law.

4
5 (d) Upon request by any person, a person circulating, as a principal or agent, or
6 having charge or control of the circulation of, or obtaining signatures to, any City initiative,
7 referendum or recall petition shall disclose the name(s) of the proponents of the petition. Any
8 person who intentionally fails to make such disclosure shall be guilty of an infraction,
9 punishable by the maximum fine allowed under State law.

10
11 SEC. 500. VOTER INFORMATION PAMPHLET; CONTENTS; FORMAT.

12
13 With respect to any election to be held in the City and County, the Director of
14 Elections shall prepare a voter information pamphlet. The voter information pamphlet shall
15 contain, in addition to any other material required by the Charter or by general law, the
16 following materials:

17
18 (a) **General contents:**

- 19
20 (1) A table of contents;
- 21
22 (2) An index of candidates and measures;
- 23
24 (3) A brief explanation of the purpose and use of the pamphlet;
- 25

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

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

10
11 (6) A disclaimer that neither the Director of Elections nor any other City
12 agency, official or employee verifies the accuracy of information contained in the ballot
13 arguments or candidate qualification statements appearing in the pamphlet, and an
14 explanation that any person submitting a ballot argument or qualifications statement bears the
15 sole responsibility for claims made therein;

16
17 (7) Artwork, graphics and other material which the Director of Elections
18 determines will make the pamphlet easier to understand or more useful to the voter;

19
20 (8) Definitions of terms appearing in the pamphlet; and

21
22 (9) A sample ballot.

23
24 (b) **Contents as to candidates:**

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

3
4 (2) A brief statement of the term, compensation, and duties of each City
5 elective office ~~of the City and County~~ appearing in the pamphlet; and

6
7 (3) Any notice required by the Campaign Finance Reform Ordinance or the
8 Political Reform Act, Government Code Section 85600, informing voters whether the
9 candidate has adopted the applicable voluntary expenditure ceiling.

10
11 (c) **Contents as to measures:**

12
13 (1) The identification of each measure by letter and title;

14
15 (2) The City Attorney's statement or question for each measure;

16
17 (3) The digest of each measure prepared by the Ballot Simplification
18 Committee;

19
20 (4) The Controller's financial analysis of each measure;

21
22 (5) An explanation of how the measure qualified for submission to the voters;

23
24 (A) If the measure was submitted to the voters by the Board of Supervisors,
25 the explanation required by Subsection (c)(5) of this Section shall identify those Supervisors

1 who voted for submission of the measure and those Supervisors who voted against
2 submission of the measure,

3
4 (B) If the measure was submitted to the voters by four or more members of
5 the Board of Supervisors, the explanation required by Subsection (c)(5) of this Section shall
6 identify those Supervisors who submitted the measure,

7
8 (C) If the measure was submitted to the voters by initiative petition, the
9 explanation required by Subsection (c)(5) of this Section shall include the number of valid
10 signatures of registered San Francisco voters that were required to qualify the measure for
11 the ballot, and the date on which the Director of Elections certified that the measure qualified
12 for the ballot;

13
14 (6) The full text of each measure to be voted upon at the election;

15
16 (7) The opponent, proponent, rebuttal and paid arguments, if any, for or
17 against each measure. ~~and~~

18
19 ~~—— (8) A disclaimer before the opponent, proponent or rebuttal arguments that are~~
20 ~~authorized by motion by the Board of Supervisors and submitted by the Board of Supervisors or by one~~
21 ~~or more members of the Board of Supervisors for or against any measure, stating, "The Board of~~
22 ~~Supervisors authorized the submission of the following argument. As of the date of the publication of~~
23 ~~this Voter Information Pamphlet, the following Supervisors endorse the measure [insert names of~~
24 ~~Supervisors who have by 5:00 p.m. on the deadline for the submission of the proponent and opponent~~
25 ~~arguments set forth in Section 535 of this Code notified the Department of Elections in writing that they~~

1 *endorse the measure]; oppose the measure [insert names of Supervisors who have by 5:00 p.m. on the*
2 *deadline for the submission of the proponent and opponent arguments set forth in Section 535 of this*
3 *Code notified the Department of Elections in writing that they oppose the measure]; take no position on*
4 *the measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the submission of*
5 *the proponent and opponent arguments set forth in Section 535 of this Code either failed to notify the*
6 *Department of Elections that they support or oppose the measure or notified the Department of*
7 *Elections in writing that they have not taken a position on the measure]" This disclaimer shall not be*
8 *counted towards the number of words permitted in each argument.*

9
10 Measures, and the material specified in this Section relating to said measures, shall
11 be printed in the voter information pamphlet in the same order in which designated upon the
12 ballot.

13
14 If space allows, the items specified in Subsection (c)(1) to (c)(5) of this Section shall
15 be printed together on the same page of the voter information pamphlet. This page shall be
16 known as the "ballot measure title page." The ballot measure title page shall also indicate: the
17 page number at which the full text of the measure is printed; the page number at which the
18 arguments for or against the measure are printed; and, if applicable the page number at which
19 the definitions of terms appearing on ballot measure title page are printed.

20
21 The format of the voter information pamphlet shall be determined by the Director of
22 Elections, subject to the approval of the Ballot Simplification Committee.

23
24 **SEC. 590. VOTER INFORMATION PAMPHLET; PUBLIC EXAMINATION.**

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

8
9 (a) Candidate Materials.

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

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

19
20 ~~—— (2) — Ballot Designations. Candidate ballot designations submitted pursuant to Section~~
21 ~~225 of this Article shall be available for public examination starting no later than noon on the eighty-~~
22 ~~seventh day prior to the election. The public examination period shall end at noon on the seventy-~~
23 ~~seventh day prior to the election.~~

24
25 (b) Ballot Measure Materials.

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

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

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

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

(5) **Rebuttal Arguments.** Rebuttal arguments submitted pursuant to Section 535(b) of this Article shall be available for public examination starting no later than noon on

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

3
4 (6) **Paid Arguments.** Paid arguments submitted pursuant to Section 535(c) of
5 this Article shall be available for public examination starting no later than noon on the seventy-
6 seventh day prior to the election. The public examination period shall end at noon on the sixty-
7 seventh day prior to the election.

8
9 (c) **Other Materials.** For all other materials submitted for publication in the voter
10 information pamphlet that are subject to a 10-day public examination period pursuant to
11 California Elections Code Sections 9295 and 13313, but for which an examination period is
12 not specified by this Section, the examination period shall commence no later than noon on
13 the seventy-seventh day prior to the election and shall end at noon on the sixty-seventh day
14 prior to the election.

15
16 SEC. 810. CANDIDATE FILING FEES.

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

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

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

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

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

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 Mollie Lee
16 Deputy City Attorney

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