

1 [Prohibition on giving or receiving anything of value in consideration of voting or refraining
2 from voting at a Municipal Election.]

3 **Ordinance amending Municipal Elections Code by adding Section 970 to prohibit the**
4 **giving or receiving of anything of value in consideration of voting, refraining from**
5 **voting, or voting for or against a candidate or measure at a municipal election.**

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Municipal Elections Code is hereby amended by adding
12 Section 970, to read as follows:

13 Sec. 970

14 (a) No person shall directly or through any other person pay, lend, or contribute or offer or
15 promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or to
16 or for any other person to:

17 (1) induce any person to:

18 (A) vote at any municipal election;

19 (B) refrain from voting at any municipal election;

20 (C) vote or refrain from voting at a municipal election for or against any
21 particular person or measure; or

22 (D) remain away from the polls during a municipal election; or

23 (2) reward any person for having:

24 (A) voted at any municipal election;

25 (B) refrained from voting at any municipal election;

1 (C) voted or refrained from voting at a municipal election for or against any
2 particular person or measure; or

3 (D) remained away from the polls during a municipal election.

4 (b) No person may directly or through any other person solicit, accept, receive, agree to accept,
5 or contract for, before, during or after a municipal election, any money, gift, loan, or other valuable
6 consideration, office, place, or employment for himself or herself or any other person because he or she
7 or any other person:

8 (1) voted or agreed to vote at any municipal election;

9 (2) refrained or agreed to refrain from voting at a municipal election;

10 (3) voted, agreed to vote, refrained from voting, or agreed to refrain from voting for or
11 against any particular person or measure at a municipal election;

12 (4) remained away or agreed to remain away from the polls during a municipal
13 election; or

14 (5) induced any other person to:

15 (A) vote or agree to vote at any municipal election;

16 (B) refrain from voting or agree to refrain from voting at a municipal election;

17 (C) vote, agree to vote, refrain from voting, or agree to refrain from voting for or
18 against any particular person or measure at a municipal election; or

19 (D) remain or agree to remain away from the polls during a municipal election.

20 (c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor
21 and, upon a final judgment of conviction of same, shall be removed from office or in the alternative
22 shall be subject to a penalty of not more than six months in jail and/or fine of not more than \$1,000, as
23 well as removal.

24 (d) "Person" means an individual, partnership, corporation, association, firm or other
25 organization or entity, however organized.

1 (e) Nothing in this section shall prohibit the following:

2 (1) making an expenditure for, offering, providing, accepting or receiving transportation
3 to or from the polls; or

4 (2) making an expenditure for, organizing or attending a gathering providing
5 complementary food, beverages and/or entertainment, provided that no valuable
6 consideration is offered, promised, solicited, accepted or received in consideration of
7 the conduct described in subsection (a); or

8 (3) making expenditures for the organization and conduct of get-out-the-vote rallies.

9 (f) Pursuant to the procedures set forth in San Francisco Charter Sections 15.102 and C3.699-
10 10 et seq., the Ethics Commission shall adopt regulations consistent with this section for the purpose of
11 implementing this section while avoiding any application that would prohibit conduct protected by the
12 United States Constitution or the California Constitution.

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14 APPROVED AS TO FORM:
15 LOUISE H. RENNE, City Attorney

16 By: _____
17 MAXWELL S. PELTZ
18 Deputy City Attorney