

1 [Municipal Elections Code - Emergency Ordinance Extending Municipal Elections Code
2 Deadlines for Possible June 2011 Election]

3
4 **Ordinance authorizing the Director of Elections to extend deadlines in the San**
5 **Francisco Municipal Elections Code by no more than 15 days for a possible special**
6 **municipal election to be held in June 2011.**

7 NOTE: Additions are *single-underline italics Times New Roman*;
8 deletions are ~~*strike-through italics Times New Roman*~~.
9 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

11 Section 1. Findings.

12 (a) The Governor of the State of California may call a special statewide election to be
13 held in June 2011, but the Governor has not yet called that election. On February 8, 2011,
14 the Board of Supervisors unanimously adopted Resolution 69-11, File No. 110121, signed by
15 the Mayor on February 18, 2011. That resolution provisionally called a special municipal
16 election to be held on June 7, 2011 if a statewide election is called for that date, and
17 provisionally consolidated that special municipal election with the possible special statewide
18 election.

19 (b) If the City holds a special municipal election on June 7, 2011, three local measures
20 will appear on the ballot: a Charter amendment, a legislative initiative ordinance, and a
21 declaration of policy, all of which are on file with the Department of Elections.

22 (c) The Municipal Elections Code imposes a number of deadlines in connection with
23 local elections on proposed ballot measures following the submission of the measures,
24 including:

- 1 • Section 510, requiring the City Attorney to transmit a general statement or question
2 for each measure at least 85 days prior to Election Day;
- 3 • Section 515, requiring the Ballot Simplification Committee to transmit the digest for
4 each measure at least 85 days prior to Election Day;
- 5 • Section 520, requiring the Controller to transmit a financial analysis of each
6 measure at least 85 days prior to Election Day;
- 7 • Section 525, requiring the Director of Elections to publish on three separate
8 occasions between the 90th and 81st day prior to Election Day a notice informing
9 the public that arguments may be submitted to support or oppose any measure;
- 10 • Section 535(a), requiring submission of proponent's and opponent's arguments for
11 and against measures by noon on the 82nd day before Election Day;
- 12 • Section 535(b), requiring submission of rebuttal arguments by noon on the 78th day
13 before Election Day;
- 14 • Section 535(c), requiring submission of any paid arguments for or against measures
15 by noon on the 78th day before Election Day;
- 16 • Section 535(d) and (e), permitting persons submitting arguments to change,
17 withdraw or correct them within prescribed deadlines following their submission;
- 18 • Section 545, requiring the Director of Elections to select the proponent's and
19 opponent's arguments for each measure at least 82 days prior to Election Day; and
- 20 • Section 590, requiring ten-day public examination periods for ballot digests,
21 Controller statements, City Attorney statements or questions, proponent's and
22 opponent's arguments, rebuttal arguments, paid arguments and other materials, all
23 on dates commencing one day after the deadline for submission of the material to
24 Department of Elections and ending ten days later.

25

1 (d) In light of the uncertainty about the calling of a special statewide election and the
2 date of that possible election, the Ballot Simplification Committee has not yet met to consider
3 digests for the three local measures that would appear on the June 2011 ballot. The Director
4 of Elections has informed the Board of Supervisors that because of travel and other
5 commitments, a quorum of the Ballot Simplification Committee will not be able meet until
6 March 21, 2011, which is several days after the final deadline for transmission of ballot digests
7 to the Department of Elections set forth in Municipal Elections Code section 515. Several
8 other deadlines set forth in the Municipal Elections Code depend on the timely preparation of
9 ballot digests by the Ballot Simplification Committee. Accordingly, it is not feasible to comply
10 with the deadlines described in section (c) of these Findings.

11 (e) Pursuant to Charter Section 2.107, the Board of Supervisors hereby declares the
12 existence of an emergency threatening the uninterrupted operation of one or more City or
13 County departments or offices (namely, the Ballot Simplification Committee and the
14 Department of Elections) required to comply with time limitations as established by the
15 Municipal Elections Code. Under the circumstances described herein, the affected City
16 departments cannot comply with the deadlines set forth in the Municipal Elections Code in
17 preparation for a possible June 2011 special municipal election. This emergency ordinance
18 will address the emergency by allowing the Director of Elections to change specified
19 deadlines in the Municipal Elections Code for the June 2011 election in order to ensure
20 uninterrupted operations and preparation for the election.

21 Section 2. Special Authority of Director of Elections to extend deadlines in the
22 Municipal Elections Code relating to ballot measures in the event the State calls a special
23 election to occur in June 2011.

24 If the City and County of San Francisco holds a special municipal election in June 2011
25 as set forth in Resolution No. 69-11 or as otherwise called by resolution of the Board of

1 Supervisors, the Director of Elections may in his discretion extend the deadlines set forth in
2 Sections 510, 515, 520, 525, 535, 545 and 590 of the Municipal Elections Code, provided
3 that: (a) the Director of Elections shall not extend the deadlines by more than 15 calendar
4 days from the deadlines set forth in the Municipal Elections Code, (b) the new deadlines may
5 not shorten any period set forth in the Municipal Elections Code for public review of any
6 election materials, and (c) the Department of Elections shall provide public notice of the new
7 deadlines on the Department of Elections' web page within 24 hours of the State's calling of a
8 special election for June 2011 or the adoption of this Ordinance, which ever occurs later.

9 Section 3. Under Charter Section 2.107, this emergency ordinance shall be effective
10 upon passage and shall automatically terminate on the 61st day following passage.

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

13 By: _____
14 JON GIVNER
15 Deputy City Attorney