

FILE NO. 081190

ORDINANCE NO.

1 [Elections for the Retiree Health Trust Fund Board, San Francisco Employee Retirement
2 System Board and Health Service System Board]

3
4 **Ordinance amending the San Francisco Administrative Code by amending Sections**
5 **16.550-16.561 and 16.563-16.564, and adding Sections 16.553-1, 16.553-2, 16.563-1 and**
6 **16.565, and amending the San Francisco Campaign and Governmental Conduct Code**
7 **by adding Section 3.1-268, to provide for Retiree Health Trust Fund Board elections and**
8 **making minor revisions to existing San Francisco Retirement System and Health**
9 **Service System election procedures.**

10 Note: Additions are *single-underline italics Times New Roman*;
11 deletions are ~~*strikethrough italics Times New Roman*~~.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. The San Francisco Administrative Code is hereby amended by amending
16 sections 16.550-16.561 and 16.563-16.565, and adding sections 16.553-1, 16.553-2, 16.563-
17 1 and 16.565, to read as follows:

18 **ARTICLE XIII: ELECTION OF TRUSTEES FOR THE RETIREMENT BOARD, ~~AND~~**
19 **HEALTH SERVICE BOARD AND RETIREE HEALTH TRUST FUND BOARD**

20 **SEC. 16.550. PURPOSE.**

21 (a) The Charter of the City and County of San Francisco provides that the trustees
22 of the Retirement Board, who are entrusted with the administration of the San Francisco City
23 and County Employee's Retirement System, shall include three trustees elected from the
24 active and retired members of the Retirement System. As used in this Article, a retired
25

1 member of the Retirement System shall mean a person who is in receipt of a retirement
2 allowance relating to his or her membership in the retirement system.

3 (b) The Charter of the City and County of San Francisco provides that the trustees
4 of the Health Service Board, who are entrusted with the administration of the San Francisco
5 City and County Employees' Health Service System, shall include ~~three~~four trustees elected
6 from the active and retired members of the Health Service System. *As used in this Article For the*
7 *purposes of a Health Service System election*, a retired member of the Health Service System
8 shall mean a person who is a member of the Health Service System retired under the San
9 Francisco City and County Employees' Retirement System, State Teachers Retirement
10 System (STRS), Public Employees Retirement System (PERS), and the surviving spouse of
11 an active employee and the surviving spouse of a retired employee, provided that the
12 surviving spouse and the active or retired employee have been married for a period of at least
13 one year prior to the death of the active or retired employee.

14 (c) *The Charter of the City and County of San Francisco provides that the trustees of the*
15 *Retiree Health Care Trust Fund, who are entrusted with providing a funding source to defray the cost*
16 *of the City's and Participating Employers' obligations to pay for health coverage for retired persons*
17 *and their survivors entitled to health care coverage under Charter Section A8.428, shall include two*
18 *trustees elected from active employees and retired members of the City's Health Service System. One of*
19 *the elected trustees shall be an active City or Participating Employer employee member and one shall*
20 *be a retired City or Participating Employer member as of the date of their respective elections. For the*
21 *purposes of a Retiree Health Care Trust Fund election, a retired member of the Health Service System*
22 *shall mean a person who retired from City employment, or from a Participating Employer, and who is*
23 *a member of the Health Service System retired under the San Francisco City and County Employees'*
24 *Retirement System, the State Teachers Retirement System (STRS), or the Public Employees Retirement*

25

1 System (PERS), and the surviving spouse or domestic partner of an active employee and the surviving
2 spouse or domestic partner of a retired employee, provided that the surviving spouse or domestic
3 partner and the active or retired employee have been married for a period of at least one year prior to
4 the death of the active or retired employee. For the purposes of a Retiree Health Care Trust Fund
5 election, an active member of the Health Service System shall mean an active City employee or an
6 active employee of a Participating Employer. As used in this section, Participating Employer shall
7 include means the San Francisco Unified School District and the San Francisco Community College
8 District, following a resolution by these employers' respective governing boards to participate in the
9 Retiree Health Care Trust Fund.

10 (d) The failure to abide by election procedure obligations and deadlines in San Francisco
11 Administrative Code Sections 16.550-16.565 shall not invalidate an election if the election has been
12 conducted fairly and in substantial compliance with and conformity to the legal requirements.

13 (e) Whenever the term of office of such an elected trustee expires or whenever a
14 vacancy occurs in such an office so that an election is necessary to fill a present or expected
15 vacancy, the following provisions shall govern the election procedure.

16 **SEC. 16.551. RETIREMENT BOARD, ~~OR~~ HEALTH SERVICE BOARD OR RETIREE**
17 **HEALTH TRUST FUND BOARD TO ORDER ELECTIONS.**

18 If a vacancy occurs, or will occur, in the office of an elected trustee prior to the date that
19 the term of that office expires, the Retirement Board, ~~or~~ Health Service Board or Retiree Health
20 Trust Fund Board shall order a special election to fill the vacancy for the unexpired portion of
21 the term of office, unless another election to a Retirement Board, ~~or~~ Health Service Board or
22 Retiree Health Trust Fund Board office is scheduled to be completed within six months after the
23 vacancy has, or shall, occur, in which case the elections shall be combined; provided,
24 however, that a separate special election shall be required if the election which has already
25

1 been scheduled will occur too soon to nominate and select candidates for the more recent
2 vacancy. Whenever the Retirement Board, ~~or Health Service Board~~ or Retiree Health Trust
3 Fund Board orders an election, the respective Board shall specify whether the election is to be
4 conducted by the Registrar of Voters ("Registrar") Department of Elections or by an unbiased
5 independent contractor ("Contractor"). Special elections may be held on an expedited basis as
6 determined by the Department of Elections. The first Retiree Health Trust Fund Board election shall
7 be a special election conducted by the Department of Elections.

8 **SEC. 16.552. DATES OF ELECTION.**

9 Whenever an election is necessary, either at the completion of a term of office or to fill
10 an unexpired term of office, the Retirement Board, ~~or Health Service Board~~ or Retiree Health
11 Trust Fund Board shall specify the dates during which ballots may be marked and delivered.
12 However, the dates designated by the Retirement Board, ~~or Health Service Board~~ or Retiree
13 Health Trust Fund Board shall not be within one month before or after an election which has
14 been otherwise scheduled and which involves residents of the City and County of San
15 Francisco as electors, unless the Department of Elections agrees to do so the dates.

16 **SEC. 16.553. NOTICE TO MEMBERS AND RETIRED MEMBERS; NOMINATION OF**
17 **MEMBERS AND RETIRED MEMBERS.**

18 The Retirement Board, ~~or Health Service Board~~ or Retiree Health Trust Fund Board shall
19 thereafter notify the members and retired members of the Retirement System or Health
20 Service System respectively of the following:

- 21 (a) The necessity for an election;
- 22 (b) The procedure for nomination and selection of candidates to serve on the Board;
- 23 and

24
25

1 (c) The dates that ballots may be marked and delivered and the procedure for
2 voting.

3 The period of time during which nominations may be made shall be set by the
4 Retirement Board, ~~or Health Service Board~~ or Retiree Health Trust Fund Board, but in no event
5 shall be less than 31 days. Any person nominated to serve as a trustee of the Retirement
6 Board, ~~or Health Service Board~~ or Retiree Health Trust Fund Board shall, on forms provided by
7 the respective Board for this purpose and by the date set by the respective Board, verify
8 acceptance of the nomination and agree to serve if elected before he or she may be listed as
9 a candidate.

10 In any election for membership on the Health Service Board or Retiree Health Trust Fund
11 Board, when only one candidate has filed nomination papers, the Registrar of Voters Department
12 of Elections or Contractor shall not conduct an election and shall declare the sole candidate to
13 be a member of the Health Service Board or Retiree Health Trust Fund Board.

14 **SEC. 16.553-1. CANDIDATE QUALIFICATION STATEMENTS.**

15 (a) Content and Form of Statement. Candidates may file a candidate qualification
16 statement including the name, age and occupation of the candidate and a description of no more than
17 200 words of the candidate's education and qualifications as expressed by the candidate. To ensure
18 that all statements are filed in a uniform format, the statement shall be in a manner specified, and on a
19 form provided, by the Department of Elections, or Contractor, for this purpose.

20 (b) Deadline for Submission of Statement. Candidates who choose to submit a candidate
21 qualification statement shall file the statement with the Department of Elections, or Contractor, at the
22 date and time established by that department.

23 (c) Inclusion of Nominators and Supporters. The candidate qualification statement may, but
24 need not, include the names of some or all of the candidate's nominators. The statement may also
25

1 include the names of individuals and entities which support the candidate but which did not serve as
2 nominators. However, The names of such supporters shall not be published as part of the candidate's
3 qualification statement unless the candidate provides the supporter's written authorization at the time
4 the statement is submitted to the Director of Elections or Contractor. The authorization shall be in a
5 form prescribed by the Director of Elections or Contractor. If the candidate chooses to include the
6 names of nominators, or other supporters in the candidate qualification statement, these names shall be
7 counted toward the 200-word limit.

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

10 (e) Withdrawal of Statement. A candidate may withdraw, but not change, his or her
11 candidate qualification statement by filing with the Director of Elections, or Contractor, a signed and
12 sworn statement of withdrawal no later than 5:00 p.m. of the thirtieth day prior to the election.

13 **SEC. 16.553-2. CANDIDATE DISCLOSURE REQUIREMENTS.**

14 (a) — Each candidate for Retirement Board, Health Service Board or Retiree Health Trust
15 Fund Board elections shall file, by the date set by the respective Board for verifying acceptance of the
16 nomination, a statement disclosing the information required by the disclosure category for the elective
17 office sought by the candidate established in the Conflict of Interest Code. Candidates shall file such
18 statements with the respective Board on the same forms as used by filers under Section 3.1-100, et seq
19 of the Conflict of Interest Code. This statement shall not be required if the candidate has filed, within
20 90 days prior to accepting the nomination, a statement at disclosure category one (1) with the City and
21 County of San Francisco.

1 **SEC. 16.554. NOTICE TO ~~REGISTRAR~~ DEPARTMENT OF ELECTIONS OR**
2 **CONTRACTOR.**

3 The Retirement Board, ~~or Health Service Board~~ or Retiree Health Trust Fund Board shall
4 notify the ~~Registrar~~ Department of Elections or Contractor at least 120 days prior to the first day
5 that ballots may be marked and delivered (hereafter referred to as the ~~f~~"First ~~v~~"Voting ~~d~~"Day")
6 that an election shall be held.

7 **SEC. 16.555. NOTICE TO DEPARTMENTS; APPOINTMENT OF ELECTION OFFICERS.**

8 The ~~Registrar~~ Department of Elections or Contractor shall notify each department, office
9 and agency of the City and County of San Francisco (hereunder referred to as "department")
10 at least 90 days prior to the ~~f~~"First ~~v~~"Voting ~~d~~"Day that the department must designate an
11 employee who shall serve as Election Officer for that department and must inform the
12 ~~Registrar~~ Department of Elections or Contractor at least 60 days prior to the ~~f~~"First ~~v~~"Voting ~~d~~"Day
13 of the identity of such officer. The ~~Registrar~~ Department of Elections or Contractor shall supply
14 each department with a form which can be returned to the ~~Registrar~~ Department of Elections or
15 Contractor which identifies the employee who has been designated Election Officer. If any
16 department has not designated an Election Officer by the appointed deadline, the ~~Registrar~~
17 Department of Elections or Contractor shall treat the department head as the Election Officer~~notify~~
18 ~~the department that the deadline has passed and shall continue to provide such notice~~ until such
19 designation has been made.

20 **SEC. 16.556. INSTRUCTIONS TO ELECTION OFFICERS.**

21 The ~~Registrar~~ Department of Elections or Contractor shall provide written instructions to
22 each Election Officer at least 21 days prior to the ~~f~~"First ~~v~~"Voting ~~d~~"Day, informing such officer of
23 dates on which ballots will be distributed and collected and the procedure to be followed for
24 their distribution and collection. If any department has failed to designate an Election Officer
25

1 by the time that the ~~Registrar~~ Department of Elections or Contractor sends these written
2 instructions, the ~~Registrar~~ Department of Elections or Contractor shall thereafter treat the
3 administrative head of the department as the Election Officer until another employee has been
4 designated as such by that department.

5 **SEC. 16.557. DELIVERY OF BALLOTS AND NAMES OF ELIGIBLE VOTERS TO**
6 **REGISTRAR DEPARTMENT OF ELECTIONS OR CONTRACTOR.**

7 The Retirement Board, ~~or~~ Health Service Board or Retiree Health Trust Fund Board shall
8 furnish the ~~Registrar~~ Department of Elections or Contractor with the names of the eligible
9 nominees at least 35 days prior to the ~~first~~ Voting ~~day~~.

10 The Retirement Board, ~~or~~ Health Service Board or Retiree Health Trust Fund Board shall
11 also furnish the ~~Registrar~~ Department of Elections or Contractor with a list of the members and
12 retired members of the Retirement System or Health Service System respectively eligible to
13 vote ("voters") in the election at the same time that it furnishes the names of the eligible
14 nominees. A supplemental list shall be furnished to the ~~Registrar~~ Department of Elections or
15 Contractor within two days of the ~~first~~ Voting ~~day~~, which list shall provide the names of
16 eligible voters not included on the original list. These lists shall be in the format required by
17 the ~~Registrar~~ Department of Elections or Contractor. These lists shall include the last known
18 addresses for the members and retired members. For the active members, at the election of
19 the entity conducting the election the department address shall be provided as an alternative.

20 Upon request, the City's Health Service System shall provide all information to
21 Contractor, or the Department of Elections, necessary to conduct the Retiree Health Trust
22 Fund Board nomination and election process including, but not limited to, information
23 regarding voter lists, voter contact information and Health Service System membership status.

24
25

1 **SEC. 16.558. BALLOTS TO CONTAIN INSTRUCTIONS FOR VOTING.**

2 Each ballot shall contain instructions printed on it informing the voters of the procedure
3 to be used in marking the ballot. Each ballot, or ballot return envelope, shall inform the voter
4 that there are three ways to return the ballot:

5 (a) By placing the ballot in the signed and sealed return envelope provided by the
6 Contractor or the Department of Elections in the container maintained for such purpose by the
7 Election Officer of the voter's department, or by otherwise using the collection procedure
8 arranged for by the Election Officer;

9 (b) By delivering the signed and sealed return envelope provided by the Contractor or
10 the Department of Elections *with* the ballot *enclosed* personally to the ~~office of the Registrar~~
11 Department of Elections or the Contractor; and

12 (c) By placing a stamp on the ballot return envelope and mailing the ballot and
13 envelope to the ~~Office of the Registrar~~ Department of Elections or the Contractor.

14 The instructions shall also note the date by which ballots ~~are to~~ must be delivered as
15 ~~noted above in order~~ to be counted.

16 **SEC. 16.559. BALLOTS TO BE PLACED IN ADDRESSED ENVELOPES; EXTRA**
17 **BALLOTS.**

18 (a) Members. Each ballot and ballot return envelope shall be mailed in a separate
19 envelope addressed to each employee eligible to vote at the member's individual address
20 provided by the Retirement System, ~~or~~ Health Service System or Retiree Health Trust Fund
21 Board. In the alternative, at the election of the entity conducting the election, ballots shall be
22 delivered in care of his or her department.

1 (b) Retired Members. Each ballot and ballot return envelope shall be mailed in a
2 separate envelope addressed to the retired member at the address provided by the
3 Retirement System, ~~or Health Service System~~ or Retiree Health Trust Fund Board.

4 (c) Additional ballots shall be printed and available for members and retired
5 members of the Retirement System or Health Service System who are eligible to vote but did
6 not receive an individually addressed ballot.

7 **SEC. 16.560. DELIVERY OF BALLOTS AND INSTRUCTIONS TO ELECTION OFFICERS.**

8 (a) Members. The ~~Registrar~~ Department of Elections or Contractor shall cause the
9 ballots and accompanying envelopes to be mailed or delivered pursuant to Section 16.559(a)
10 not later than 10 days prior to the ~~first~~ Voting ~~Day~~, along with written instructions for their
11 proper distribution and collection and any other pertinent guidelines as set out in these
12 provisions or as otherwise applicable.

13 (b) Retired Members. The ~~Registrar~~ Department of Elections or Contractor shall
14 deposit in the mail the ballots and accompanying envelopes to each retired member at least
15 10 business days prior to the ~~first~~ Voting ~~Day~~.

16 **SEC. 16.561. DUTIES OF ELECTION OFFICERS.**

17 Each Election Officer shall:

18 (a) Prior to the date that ballots are delivered, inform the department or employee
19 responsible for distributing paychecks to employees of the department of the dates during
20 which ballots are to be distributed to employees and of the responsibility of the Payroll
21 Department to make arrangements to distribute a ballot with each paycheck by a date that will
22 allow each voter at least three days to mark and deliver the ballot;

1 (b) Upon receipt of the ballots, coordinate his or her efforts and those of the Payroll
2 Department to insure that the ballots are ready to be distributed along with paychecks by a
3 date that will allow each voter at least three days to mark and deliver the ballot;

4 (c) Provide notice to employees who are in the Retirement System or Health
5 Service System but would not be likely to receive ballots along with their paychecks, such as
6 employees on the temporary payroll, that ballots are available;

7 (d) Provide ballots to employees who did not, or would not, receive them along with
8 their paychecks pursuant to the procedure established by the ~~Registrar~~ Department of Elections
9 or Contractor;

10 (e) Establish and maintain a collection procedure so that employees have a
11 convenient method of returning ballots, which method shall, where possible, make use of at
12 least one container in which ballots can be placed; and

13 (f) Return the ballots which have been received or otherwise collected according to
14 the collection procedure established by such officer to the ~~Registrar~~ Department of Elections or
15 Contractor, either personally or by the inter-office mail system, in a timely manner so that the
16 ballots will be delivered to the ~~Registrar~~ Department of Elections or Contractor by the date
17 established by the Retirement Board, ~~or~~ the Health Service Board or Retiree Health Trust Fund
18 Board as the final date for such delivery.

19 **SEC. 16.562. DUTY OF PAYROLL DEPARTMENT.**

20 The Payroll Department shall provide cooperation and assistance in sorting the ballots
21 or performing other tasks necessary to insure that the ballots are distributed along with
22 paychecks by a date that will allow each voter at least three days to mark and deliver the
23 ballot.

24
25

1 **SEC. 16.563. COUNTING OF BALLOTS AND CERTIFICATION OF NEW TRUSTEE.**

2 (a) ~~The Registrar~~ Department of Elections or Contractor shall thereafter count the
3 ballots in such a manner that the identity of the individual casting any particular ballot will not
4 be disclosed. Each ballot shall be counted so long as it has been properly marked, signed
5 and delivered. ~~The Registrar~~ Department of Elections or Contractor shall certify the new Health
6 Service Board or Retiree Health Trust Fund Board trustee.

7 (b) Within five days of the close of voting and prior to certification, the Retiree Health Trust
8 Fund Board secretary shall attest to the Department of Elections or contractor that there is one retired
9 member trustee and one active member trustee candidate to fill the two elected Retiree Health Trust
10 Fund Board trustee positions. For purposes of Retiree Health Trust Fund Board elections, the date of
11 the election shall be the day the election is certified by the Department of Elections or Contractor. In
12 the event that the active member candidate with the highest number of votes is no longer an active
13 member on the day the election is certified, the Department of Elections shall certify the active member
14 candidate with the next highest number of votes. In the event that the retired member candidate with
15 the highest number of votes is no longer a retired member on the day the election is certified, the
16 Department of Elections shall certify the retired member candidate with the next highest number of
17 votes.

18 (c) Within five days of the close of voting and prior to certification, the Executive
19 Director of ~~Secretary General Manager for~~ the Retirement System shall attest to the ~~Registrar~~
20 Department of Elections or Contractor whether there is a retired member serving as trustee on
21 the Retirement Board:

22 (a)(i) If, at that time, there is no retired member serving as trustee, the Registrar
23 Department of Elections or Contractor shall certify the individual receiving the highest number of
24 votes as the newly elected trustee of the Retirement Board.

1 ~~(b)(ii)~~ If, at that time, there is a retired member serving as trustee, the ~~Registrar~~
2 Department of Elections or Contractor shall certify the member (not a retired member) receiving
3 the highest number of votes as the newly elected trustee of the Retirement Board.

4 Where there is no vacancy, the ~~Registrar~~ Department of Elections or Contractor shall certify the
5 new Retirement Board trustee as close to the expiration of the term as reasonably possible.

6 **SECTION 16.563-1 CHANGE IN STATUS FOR ELECTED RETIREE HEALTH TRUST**

7 **FUND BOARD MEMBERS**

8 (a) If, after a Retiree Health Trust Fund Board election has been certified by the
9 Department of Elections or the Contractor, the active Retiree Health Trust Fund Board
10 member retires, then that Board member's seat shall be deemed vacant and shall remain
11 vacant until the Board can hold a special election under Section 16.551.

12 (b) If, after a Retiree Health Trust Fund Board election has been certified by the
13 Department of Elections or the Contractor, the retired Retiree Health Trust Fund Board
14 member returns to active status, then that Board member's seat shall be deemed vacant and
15 shall remain vacant until the Board can hold a special election under Section 16.551.

16 **SEC. 16.564. RETIREMENT BOARD, ~~OR~~ HEALTH SERVICE BOARD OR RETIREE**
17 **HEALTH TRUST FUND BOARD TO REIMBURSE ~~REGISTRAR~~ DEPARTMENT OF**
18 **ELECTIONS.**

19 The Retirement Board, ~~or~~ Health Service Board or Retiree Health Trust Fund Board shall
20 reimburse the ~~Office of the Registrar~~ Department of Elections for the actual expenses incurred by
21 it in conducting Retirement Board, ~~or~~ Health Service Board or Retiree Health Trust Fund Board
22 elections respectively. The Retirement Board, ~~or~~ Health Service Board or Retiree Health Trust
23 Fund Board shall pay all Contractor expenses when the respective Board specifies that a

24
25

1 Contractor conduct a Retirement Board, ~~or~~ Health Service Board or Retiree Health Trust Fund
2 Board election.

3 **SEC. 16.565. GIVING, RECEIVING ANYTHING OF VALUE IN CONSIDERATION OF**
4 **VOTING PROHIBITED.**

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

8 (1) Induce any person to:

9 (A) Vote at any Retirement Board, Health Service Board or Retiree Health
10 Trust Fund Board election;

11 (B) Refrain from voting at any Retirement Board, Health Service Board or
12 Retiree Health Trust Fund Board election;

13 (C) Vote or refrain from voting at a Retirement Board, Health Service Board
14 or Retiree Health Trust Fund Board election for or against any particular
15 person or measure; or

16 (2) Reward any person for having:

17 (A) Voted at any Retirement Board, Health Service Board or Retiree Health
18 Trust Fund Board election;

19 (B) Refrained from voting at any Retirement Board, Health Service Board or
20 Retiree Health Trust Fund Board election; or

21 (C) Voted or refrained from voting at a Retirement Board, Health Service
22 Board or Retiree Health Trust Fund Board election for or against any
23 particular person or measure.

24

25

1 (b) No person may directly or through any other person solicit, accept, receive, agree to
2 accept, or contract for, before, during or after a Retirement Board, Health Service Board or Retiree
3 Health Trust Fund Board election, any money, gift, loan, or other valuable consideration, offer, place,
4 or employment for himself or herself or any other person because he or she or any other person:

5 (1) Voted or agreed to vote at any Retirement Board, Health Service Board or
6 Retiree Health Trust Fund Board election;

7 (2) Refrained or agreed to refrain from voting at a Retirement Board, Health Service
8 Board or Retiree Health Trust Fund Board election;

9 (3) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for
10 or against any particular person or measure at a Retirement Board, Health
11 Service Board or Retiree Health Trust Fund Board election; or

12 (4) Induced any other person to:

13 (A) Vote or agree to vote at any Retirement Board, Health Service Board or
14 Retiree Health Trust Fund Board election;

15 (B) Refrain from voting or agree to refrain from voting at a Retirement
16 Board, Health Service Board or Retiree Health Trust Fund Board
17 election; or

18 (C) Vote, agree to vote, refrain from voting, or agree to refrain from voting
19 for or against any particular person or measure at a Retirement Board,
20 Health Service Board or Retiree Health Trust Fund Board election.

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

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

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

4 (1) Making an expenditure for, offering, providing, accepting or receiving
5 transportation to or from the polls; or

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

10 (3) Making expenditures for the organization and conduct of get-out-the-vote
11 rallies.

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

16
17 Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby
18 amended by adding section 3.1-268 to read as follows:

19 ///
20 ///
21 ///
22 ///
23 ///
24 ///

1 SEC. 3.1-268. RETIREE HEALTH CARE TRUST FUND

2

3 Designated Positions and Disclosure Categories

4 Retiree Health Trust Fund Board Member

1

5

6

7

8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

9

10 By: _____
11 ERIK A. RAPOPORT
12 Deputy City Attorney

12

13

14

15

16

17

18

19

20

21

22

23

24

25