**File No.** 240434 **Committee Item No.** 6
**Board Item No.** 4

# COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

**Committee:** Rules Committee **Date** June 10, 2024

**Board of Supervisors Meeting** **Date** June 25, 2024

## Cmte Board

| Cmte | Board | |
|---|---|---|
| ☐ | ☐ | **Motion** |
| ☐ | ☐ | **Resolution** |
| ☒ | ☐ | **Ordinance** |
| ☒ | ☐ | **Legislative Digest** |
| ☐ | ☐ | **Budget and Legislative Analyst Report** |
| ☐ | ☐ | **Youth Commission Report** |
| ☐ | ☐ | **Introduction Form** |
| ☒ | ☐ | **Department/Agency Cover Letter and/or Report** |
| ☐ | ☐ | **Memorandum of Understanding (MOU)** |
| ☐ | ☐ | **Grant Information Form** |
| ☐ | ☐ | **Grant Budget** |
| ☐ | ☐ | **Subcontract Budget** |
| ☐ | ☐ | **Contract/Agreement** |
| ☐ | ☐ | **Form 126 - Ethics Commission** |
| ☐ | ☐ | **Award Letter** |
| ☐ | ☐ | **Application** |
| ☐ | ☐ | **Form 700** |
| ☐ | ☐ | **Information/Vacancies (Boards/Commissions)** |
| ☐ | ☐ | **Public Correspondence** |

**OTHER** **(Use back side if additional space is needed)**

| | | |
|---|---|---|
| ☒ | ☐ | Assembly Bill No. 1416 |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
| ☐ | ☐ | |
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**Completed by:** Victor Young **Date** June 6, 2024
**Completed by:** _____ **Date** _____

[Municipal Elections Code - Supporters and Opponents in Ballot Questions for Local Measures]

**Ordinance amending the Municipal Elections Code to provide that the names of supporters and opponents of a local ballot measure submitted to the voters be listed in the ballot statement or question for each local measure except when including such names will cause there to be more than six ballot cards for that election.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
**Additions to Codes** are in *single-underline italics Times New Roman font*.
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
**Board amendment additions** are in double-underlined Arial font.
**Board amendment deletions** are in ~~strikethrough Arial font~~.
**Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Background and Findings.

(a) The Municipal Elections Code requires the City Attorney to prepare a general statement or question to appear on the ballot for each local ballot measure submitted to the voters. Such statements are limited to 30 words, except for unusually complex measures or bond measures, where the general statement or question may be up to 100 words long.

(b) In 2022, with the enactment of Assembly Bill 1416 (AB 1416), the State established new requirements for ballot statements or questions for state and local ballot measures. AB 1416 requires the ballot statement or question for statewide measures and local measures to include a list of supporters and opponents of each measure and authorizes counties to opt out of the requirement for local measures. The list of supporters and the list of opponents may each be up to 125 characters in length. The names of the supporters and opponents must be drawn from the proponents of the measure or from the arguments in favor and against the measure included in the voter information pamphlet.

(c) In enacting AB 1416, the Legislature stated that it intended the new requirements to apply to charter cities like San Francisco.

(d) With respect to local ballot measures, AB 1416 gives counties the authority to opt out of the requirements: “a county board of supervisors may elect not to list supporters and opponents for county, city, district and school measures on the county ballot and future county ballots.” Cal. Elections Code Sec. 9170(d).

(e) The Director of Elections has determined that including a list of supporters and opponents in the ballot statement or question may significantly increase the length of the ballot and therefore increase the number of ballot cards required for each ballot. Increasing the number of cards will cause the Department of Elections to incur additional expenses for each election due to the material costs of the ballot cards and postage as well as staff time required to process additional cards. The proponents and opponents of each local ballot measure already appear in the voter information pamphlet sent to each voter prior to an election.

(f) The Director of Elections has determined that its equipment can accommodate ballots comprised of six or less cards. Ballots that require seven or more cards will likely require manual processing, including reviewing the thickness of each returned envelope before scanning, reviewing voters’ signatures on every envelope too thick for scanning, and opening each envelope to remove voted ballot cards. The United States Postal Service has also indicated that ballots exceeding six cards will require comprehensive changes to how vote-by-mail packets are mailed. The vendor that prepares ballot packets has also indicated its processes will require more time to complete and will occur more slowly if the ballot packets exceed six cards. Also, the more time required to process the returned ballot envelopes will increase the time needed to count ballots and will delay results reporting.

(g) In Ordinance No. 178-23, the Board of Supervisors opted out of the requirements of AB 1416 for elections occurring in Fiscal Year 2023-24, but provided that it would have to opt out for subsequent elections or else be bound by AB 1416. Given the issues with having a ballot that includes more than six ballot cards, the Board of Supervisors finds that opting out of these requirements for future elections in which compliance with AB 1416 would require the ballot to be more than six ballot cards is necessary and appropriate.

Section 2. Article V of the Municipal Elections Code is hereby amended by revising Section 510, to read as follows:

**SEC. 510. CITY ATTORNEY STATEMENT OR QUESTION.**

(a) **Format**. Except as provided in ~~*S*~~*s*ubsection (c) of this Section *510*, the City Attorney shall prepare a general statement of any ballot measure to be submitted to the voters, followed by the words "yes" and "no," so arranged that voters may indicate a choice upon the ballot. The general statement or question shall not exceed 30 words, except where the subject measure is unusually complex, in which case the general statement or question shall not exceed 100 words.

(b) **Deadline**. The general question or statement for any measure shall be transmitted to the Director of Elections no fewer than 85 days prior to the election to which it relates, for printing and inclusion in the voter information pamphlet.

(c) **Bond Measures**. The City Attorney shall not prepare the general statement of a bond measure where the Board of Supervisors approves a general statement of the measure by ordinance or resolution. The general statement of a bond measure shall not exceed 100 words.

(d) **List of Supporters and Opponents of Measure.**

*(1) Except as provided by subsection (d)(2), the names of supporters and opponents of each local ballot measure to be submitted to the voters shall be listed in the general statement or question in accordance with Section 9170(a) of the California Elections Code.*

*(2) For any election in which the Director of Elections determines that compliance with subsection (d)(1) will cause the ballot to consist of more than six ballot cards, the City elects to not include a list of supporters and opponents in the general statement or question for local ballot measures submitted to the voters for that election, as authorized by Section 9170(d) of the California Elections Code. The Director of Elections shall provide written notice to the Board of Supervisors and the Mayor and shall post such notice on the Department of Elections website for elections when applying this subsection (d) to authorize the City to opt out of the requirements of Section 9170(a) of the California Elections Code.* ~~*Notwithstanding Section 9170(a) of the California Elections Code, and as authorized by Section 9170(d) of the California Elections Code, for any election held in Fiscal Year 2023-24, the general statement or question of any ballot measure to be submitted to voters shall not list the supporters or the opponents of the measure. For elections held after Fiscal Year 2023-24, the Board of Supervisors may opt out of the requirements of Section 9170(a) by resolution submitted and approved as part of the annual budget process.*~~

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: */s/ Bradley A. Russi*
BRADLEY A. RUSSI
Deputy City Attorney

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FILE NO. 240434

# LEGISLATIVE DIGEST

[Municipal Elections Code - Supporters and Opponents in Ballot Questions for Local Measures]

**Ordinance amending the Municipal Elections Code to provide that the names of supporters and opponents of a local ballot measure submitted to the voters be listed in the ballot statement or question for each local measure except when including such names will cause there to be more than six ballot cards for that election.**

## Existing Law

In 2022, the State enacted Assembly Bill 1416, which requires a list of the supporters and opponents of statewide and local ballot measures to appear on the ballot in the general statement or ballot question. With respect to local ballot measures, Assembly Bill 1416 provides that a county board of supervisors may elect to opt out of this requirement. In Ordinance No. 178-23, the City opted out of the requirement for elections occurring in Fiscal Year 2023-2024.

## Amendments to Current Law

The proposed ordinance would authorize the City to opt out of the requirements that the names of supporters and opponents of a local ballot measure appear in the general statement or ballot question under Assembly Bill 1416 for any election in which the Director of Elections determines that including such information will cause the ballot to consist of more than six ballot cards.

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CITY AND COUNTY OF SAN FRANCISCO
# DEPARTMENT OF ELECTIONS

John Arntz, Director

April 29, 2024

Angela Calvillo, Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102

Dear Ms. Calvillo:

Enclosed please find an original single-sided and one single-sided, black and white copy of a proposed amendment to Municipal Elections Code Section 510 for the Board of Supervisors' (Board) approval, which would allow the City the option to opt out of printing the names of proponents and opponents with local ballot measures if doing so avoids ballots exceeding six cards for an election.

This amendment seeks to provide the Department of Elections (Department) the opportunity to reduce the impacts of ballots comprised of more than six cards. However, if opting out of printing the names of proponents and opponents would still result in ballots exceeding six cards then the names would be printed with their respective ballot measure labels.

The reason a six-card ballot is set as a threshold quantity in determining whether to opt out of printing proponent and opponent names is any ballots comprised of seven cards or more require the Department, its ballot printing vendor, and the United States Postal Service to substantively alter their processes regarding vote-by-mail ballots. Every incremental one-card increase after six cards will require more manual processing and also significantly impact and slow the counting of ballots and the release of election results.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2024 APR 29 AM 11:51
BY

Respectfully,

John Arntz, Director

Encl: Proposed Amendment to Municipal Elections Code Section 510 – Not printing the names of proponents and opponents on ballot labels for local measures to possibly avoid ballots comprised of more than six cards.

Attachment 1: Text – Assembly Bill 1416, regarding ballot labels.

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

# Assembly Bill No. 1416

CHAPTER 751

An act to amend Sections 303, 9050, 9051, 9053, and 13282 of, and to add Section 9170 to, the Elections Code, relating to elections.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

## legislative counsel's digest

AB 1416, Santiago. Elections: ballot label.

Existing law defines the ballot label as the portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, existing law requires the Attorney General to prepare a condensed version of the ballot title and summary, including the fiscal impact summary prepared by the Legislative Analyst that is printed in the state voter information guide.

This bill would additionally require the ballot label for statewide measures, and, at the option of a county, the ballot label or similar description on the ballot of county, city, district, and school district measures, to include a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of ballot arguments printed in the voter information guide that support and oppose the measure, as specified. The bill would require a nonprofit organization, business, or individual to meet certain criteria before being listed on the ballot label or similar description of the measure on the ballot. The bill would require the signers of the ballot arguments to submit the lists of supporters and opponents to the Secretary of State or the respective elections official and would require the Secretary of State or respective elections official to provide those lists to county elections officials as part of the ballot label. The bill would make conforming changes and related findings and declarations.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Because the bill would impose additional duties on local elections officials, and because it would expand the crime of perjury, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no

reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known, and may be cited as, the Ballot DISCLOSE Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) In addition to a ballot measure's title, summary, and fiscal analysis, the identity of those who support and oppose a ballot measure provides voters with extremely important information that helps voters better evaluate and understand the value of the measure and to make more informed decisions on how to vote.

(b) Including the names of supporters and opponents in the arguments for and against a measure on the measure's ballot label serves as a useful condensed summary of those arguments in the state voter information guide in the same way that including the condensed title, summary, and fiscal analysis of the ballot measure serves as a useful condensed summary of the Legislative Analyst's full analysis in the state voter information guide.

SEC. 3. Section 303 of the Elections Code is amended to read:

303. "Ballot label" means that portion of the ballot containing the names of the candidates or a statement of a measure. For statewide measures, the ballot label shall contain a condensed version of the ballot title and summary, including the fiscal impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code, that is no more than 75 words, followed by a listing of the names of supporters and opponents in the ballot arguments printed in the state voter information guide as described in Section 9051.

SEC. 4. Section 9050 of the Elections Code is amended to read:

9050. (a) After the Secretary of State determines that a measure will appear on the ballot at the next statewide election, the Secretary of State shall promptly transmit a copy of the measure to the Attorney General. The Attorney General shall provide and return to the Secretary of State a ballot title and summary and the condensed ballot title and summary prepared pursuant to Section 303 for each measure submitted to the voters of the whole state by a date sufficient to meet the state voter information guide public display deadlines.

(b) For each statewide measure, within one week after receiving the lists of supporters and opponents of a measure, the Secretary of State shall provide to county elections officials the ballot label, consisting of the condensed ballot title and summary prepared by the Attorney General followed by the list of supporters and opponents, pursuant to Section 303.

SEC. 5. Section 9051 of the Elections Code is amended to read:

9051. (a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 100 words, not including the fiscal impact statement.

(2) The ballot title and summary shall include a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(b) The condensed ballot title and summary shall not contain more than 75 words and shall be a condensed version of the ballot title and summary including the financial impact summary prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(c) (1) The ballot label shall include the condensed ballot title and summary described in subdivision (b), followed by the following:

(A) After the text "Supporters:", a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument in favor of the ballot measure printed in the state voter information guide. The list of supporters shall not exceed 125 characters in length. Each supporter shall be separated by a semicolon. A nonprofit organization, business, or individual shall not be listed unless they support the ballot measure.

(B) After the text "Opponents:", a listing of nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument against the ballot measure printed in the state voter information guide. The list of opponents shall not exceed 125 characters in length. Each opponent shall be separated by a semicolon. A nonprofit organization, business, or individual shall not be listed unless they oppose the ballot measure.

(C) A supporter or opponent shall not be listed pursuant to subparagraph (A) or (B) unless it is one of the following:

(i) A nonprofit organization that was not originally created as a committee described in Section 82013 of the Government Code, that has been in existence for at least four years, and that, during the four-year period prior to the time that the organization is listed pursuant to subparagraph (A) or (B), either has received contributions from more than 500 donors or has had at least one full-time employee.

(ii) A business that has been in existence for at least four years and that has had at least one full-time employee during the four-year period prior to the time that the organization is listed pursuant to subparagraph (A) or (B).

(iii) A current or former elected official, who may be listed with the official's title (e.g., "State Senator Mary Smith," "Assembly Member Carlos Garcia," or "former Eureka City Council Member Amy Lee"). These titles may be shortened (e.g. "Senator" or "Sen." for "State Senator" or "Asm." for "Assembly Member").

(iv) An individual who is not a current or former elected official may be listed only with the individual's first and last name and an honorific (e.g., "Dr.," "M.D.," "Ph.D.," or "Esquire"), with no other title or designation, unless it is a title representing a nonprofit organization or business that meets the requirements of clause (i) or (ii) and that is eligible to be listed under subparagraph (A) if the individual supports the ballot measure or under subparagraph (B) if the individual opposes the ballot measure.

(D) Spaces, commas, semicolons, and any other characters count towards the 125-character limit in subparagraphs (A) and (B).

(E) A supporter or opponent shall not be listed pursuant to subparagraph (A) or (B) if the supporter or opponent is a political party or is representing a political party.

(F) The name of a nonprofit organization or business included in the list of supporters and opponents as required by this subdivision may be shortened by the proponents or opponents who submit it using acronyms, abbreviations, or by leaving out words in the entity's name, as long as doing so would not confuse voters with another well-known organization or business that did not take the same position on the ballot measure (e.g., "Hot Air Balloon Flyers of Montana Education Fund" may be shortened to "Hot Air Balloons Montana").

(G) Supporters and opponents listed on the ballot label pursuant to subparagraph (A) or (B) shall be added as text after the condensed ballot title and summary and shall be separated by semicolons. Supporters and opponents need not be displayed on separate horizontal lines on the ballot. If no list of supporters is provided by the proponents or there are none that meet the requirements of this section, then "Supporters:" shall be followed by "None submitted." If no list of opponents is provided by the opponents or there are none that meet the requirements of this section, then "Opponents:" shall be followed by "None submitted."

(H) If the ballot emphasizes the text "Supporters:" or "Opponents:" by use of boldface font, underlining, or any other method that differentiates that text from the list of supporters or opponents that follow, the text "Supporters:" or "Opponents:" may be displayed with only the initial letter capitalized. If that text is not emphasized, then each letter of that text shall be capitalized.

(I) If including the list of Supporters and Opponents in the ballot labels as required by this section would necessitate the printing of an extra ballot card compared to the ballot labels not including them, the type size of the part of all of the ballot labels starting with "Supporters:" may be reduced by the minimal amount needed to stop them from necessitating an extra ballot card, as long as the type size is no smaller than 8-point and as long as the type size is reduced by the same amount for all ballot measures.

(2) (A) The proponents of the measure shall provide the list of supporters described in subparagraph (A) of paragraph (1) to the Secretary of State when submitting the arguments supporting the ballot measure.

(i) For every supporter listed that is a nonprofit organization, a business, or an individual whose title includes a nonprofit organization or business, the supporters shall include a signed statement by a representative of the nonprofit organization or business, under penalty of perjury, that includes its name and business address and that attests (I) that the nonprofit organization or business supports the measure, (II) that the nonprofit organization or business has been in existence for at least four years, (III) that the nonprofit organization or business has had at least one full-time employee for the last four years, or, if it is a nonprofit organization, that it

has had at least 500 donors in the last four years, and (IV) that it was not originally created as a committee described in Section 82013 of the Government Code.

(ii) For every supporter listed that is an individual, the proponents shall include a signed statement by the individual that includes the individual's name and address and attests that the individual supports the measure.

(B) The opponents of the measure shall provide the list of opponents described in subparagraph (B) of paragraph (1) to the Secretary of State when submitting the arguments opposing the ballot measure.

(i) For every opponent listed that is a nonprofit organization, a business, or an individual whose title includes a nonprofit organization or business, the opponents shall include a signed statement by a representative of the nonprofit organization or business, under penalty of perjury, that includes its name and business address and that attests (I) that the nonprofit organization or business opposes the measure, (II) that the nonprofit organization or business has been in existence for at least four years, (III) that the nonprofit organization or business has had at least one full-time employee for the last four years, or, if it is a nonprofit organization, that it has had at least 500 donors in the last four years, and (IV) that it was not originally created as a committee described in Section 82013 of the Government Code.

(ii) For every opponent listed that is an individual, the opponents shall include a signed statement by the individual that includes the individual's name and address and attests that the individual opposes the measure.

(C) In order to enable the Secretary of State to determine whether the nonprofit organizations and businesses listed in the supporters or opponents have been in existence for at least four years, the proponents and opponents shall submit with the list of supporters and opponents described in subparagraphs (A) and (B) a certified copy of the articles of incorporation, articles of organization, or similar document for each nonprofit organization or business on the list that verifies that the nonprofit organization or business has been in existence for at least four years.

(D) The Secretary of State shall confirm that a submission listing supporters or opponents includes the documentation required by subparagraphs (A) through (C) and otherwise meets the requirements of this section. The Secretary of State shall ask the proponents or opponents to resubmit a list if the requirements are not met. The Secretary of State may establish deadlines by when proponents or opponents must resubmit a list and any other documents required by the Secretary of State to meet the deadline in subdivision (b) of Section 9050.

(d) In providing the ballot title and summary, the Attorney General shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(e) The Attorney General shall invite and consider public comment in preparing each ballot title and summary.

SEC. 6. Section 9053 of the Elections Code is amended to read:

9053. Each measure shall be designated on the ballot by the ballot label certified by the Secretary of State.

SEC. 7. Section 9170 is added to the Elections Code, to read:

9170. (a) Subject to subdivision (d), the ballot label or similar description of a county, city, district, or school measure on a county ballot shall end with all of the following:

(1) After the text "Supporters:", a listing of associations, nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument in favor of the measure printed in the voter information guide. The list of supporters shall not exceed 125 characters in length. Each supporter shall be separated by a semicolon. An association, nonprofit organization, business, or individual shall not be listed unless they support the measure.

(2) After the text "Opponents:", a listing of associations, nonprofit organizations, businesses, or individuals taken from the signers or the text of the argument against the measure printed in the voter information guide. The list of opponents shall not exceed 125 characters in length. Each opponent shall be separated by a semicolon. An association, nonprofit organization, business, or individual shall not be listed unless they oppose the measure.

(3) A supporter or opponent shall not be listed pursuant to paragraph (1) or (2) unless it is one of the following:

(A) An association, nonprofit organization, or business that was not originally created as a committee described in Section 82013 of the Government Code and that has been in existence for at least four years.

(B) A current or former elected official, who may be listed with the official's title (e.g., "State Senator Mary Smith," "Assembly Member Carlos Garcia," or "former Eureka City Council Member Amy Lee"). These titles may be shortened (e.g. "Senator" or "Sen." for "State Senator" or "Asm." for "Assembly Member").

(C) An individual who is not a current or former elected official may be listed only with the individual's first and last name and an honorific (e.g., "Dr.," "M.D.," "Ph.D.," or "Esquire"), with no other title or designation, unless it is a title representing an association, nonprofit organization, or business that meets the requirements of subparagraph (A) or (B) and that is eligible to be listed under paragraph (1) if the individual supports the measure or under paragraph (2) if the individual opposes the measure.

(4) Spaces, commas, semicolons, and other characters count towards the 125-character limit in paragraphs (1) and (2).

(5) A supporter or opponent shall not be listed pursuant to paragraph (1) or (2) if the supporter or opponent is a political party or is representing a political party.

(6) The name of an association, nonprofit organization, or business included in the list of supporters and opponents as required by this section may be shortened by the proponents or opponents who submit it using acronyms, abbreviations, or by leaving out words in their name, as long as doing so would not confuse voters with another well-known organization

or business that did not take the same position on the ballot measure (e.g., "Hot Air Balloon Flyers of Montana Education Fund" may be shortened to "Hot Air Balloons Montana").

(7) Supporters and opponents listed pursuant to paragraph (1) or (2) shall be added as text after the condensed ballot title and summary, if any, and may be separated by semicolons. Supporters and opponents need not be displayed on separate horizontal lines on the ballot. If no list of supporters is provided by the proponents or there are none that meet the requirements of this section, then "Supporters:" shall be followed by "None submitted." If no list of opponents is provided by the opponents or there are none that meet the requirements of this section, then "Opponents:" shall be followed by "None submitted."

(8) If the ballot emphasizes the text "Supporters:" or "Opponents:" by use of boldface font, underlining, or any other method that differentiates that text from the list of supporters or opponents that follow, the text "Supporters:" or "Opponents:" may be displayed with only the initial letter capitalized. If that text is not emphasized, then each letter of that text shall be capitalized.

(9) If including the list of Supporters and Opponents in the ballot labels as required by this section would necessitate the printing of an extra ballot card compared to the ballot labels not including them, the type size of the part of all of the ballot labels starting with "Supporters:" may be reduced by the minimal amount needed to stop them from necessitating an extra ballot card, as long as the type size is no smaller than 8-point and as long as the type size is reduced by the same amount for all ballot measures.

(b) (1) The proponents of the measure shall provide the list of supporters described in paragraph (1) of subdivision (a) to the elections official when submitting arguments supporting the measure.

(A) For every supporter listed that is an association, a nonprofit organization, a business, or an individual whose title includes an association, nonprofit organization, or business, the supporters shall include a signed statement by a representative of the association, nonprofit organization, or business, under penalty of perjury, that includes its name and an address and that attests (i) that the association, nonprofit organization, or business supports the measure, (ii) that the association, nonprofit organization, or business has been in existence for at least four years, and (iii) that it was not originally created as a committee described in Section 82013 of the Government Code.

(B) For every supporter listed that is an individual, the proponents shall include a signed statement by the individual that includes the individual's name and address and attests that the individual supports the measure.

(2) The opponents of the measure shall provide the list of opponents described in paragraph (1) of subdivision (b) to the elections official when submitting the arguments opposing the measure.

(A) For every opponent listed that is an association, a nonprofit organization, a business, or an individual whose title includes an association, nonprofit organization or business, the opponents shall include a signed

statement by a representative of the association, nonprofit organization or business, under penalty of perjury, that includes its name and an address and that attests (i) that the association, nonprofit organization, or business opposes the measure, (ii) that the association, nonprofit organization, or business has been in existence for at least four years, and (iii) that it was not originally created as a committee described in Section 82013 of the Government Code.

(B) For every opponent listed that is an individual, the opponents shall include a signed statement by the individual that includes the individual's name and address and attests that the opponent opposes the measure.

(3) The elections official that receives the ballot arguments and list of supporters or opponents shall confirm that a submission listing supporters or opponents includes the documentation required by paragraphs (1) and (2) and otherwise meets the requirements of this section. The elections official shall ask the proponents or opponents to resubmit a list if the requirements are not met. The elections official may establish deadlines by when proponents or opponents must resubmit a list.

(c) Within one week of receipt, an elections official that is not a county elections official that administers a city, district, or school election and that receives a list of supporters or opponents for inclusion on the ballot label or similar description shall, after confirming compliance with this section as provided in paragraph (3) of subdivision (b), forward that list to the county elections official.

(d) At least 30 days before the deadline for submitting arguments for or against county measures, a county board of supervisors may elect not to list supporters and opponents for county, city, district and school measures on the county ballot and future county ballots.

(1) A county shall not include a list of supporters or opponents for any county, city, district, or school measure if the county does not include a list of supporters or opponents for all measures for which the county receives a list that meets the requirements of this section. If the county elects not to list supporters and opponents for county, city, district, or school measures on the county ballot, the requirements of subdivisions (a) through (c) do not apply.

(2) A district measure or school measure on a county ballot shall not include a list of supporters or opponents if the same district or school measure appears on the ballot of another county that does not include a list of supporters or opponents for the measure, in which case the requirements of subdivisions (a) through (c), inclusive, do not apply for the measure.

SEC. 8. Section 13282 of the Elections Code is amended to read: 13282.

Whenever the Attorney General prepares a condensed ballot title and summary, the Attorney General shall file a copy of the condensed ballot title and summary with the Secretary of State. The Secretary of State shall make a copy of the condensed ballot title and summary as required by subdivision (c) of Section 9051 available for public examination prior to the printing of the ballot label on any ballot. The public shall be permitted to examine the condensed ballot title and summary for at least 20 days, and

the Secretary of State may consolidate the examination requirement under this section with the public examination requirements set forth in Section 9092. A voter may seek a writ of mandate requiring a condensed ballot title and summary, or portion thereof, to be amended or deleted. The provisions set forth in Section 9092 concerning the issuance of the writ and the nature of the proceedings shall be applicable to this section.

SEC. 9. The Legislature finds and declares that providing voters with information to better understand ballot measures is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 7 of this act adding Section 9170 of the Elections Code applies to all cities, including charter cities.

SEC. 10. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O

San Francisco Department of Elections

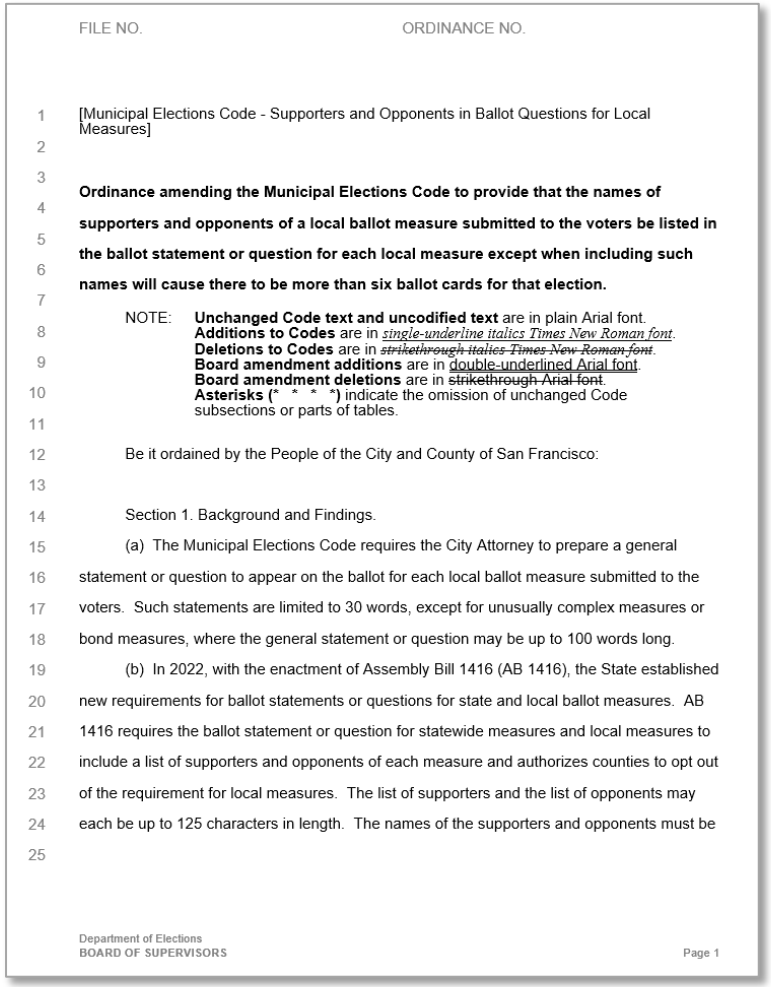
# Supporters and Opponents in Ballot Questions for Local Measures

San Francisco Board of Supervisors
Rules Committee Hearing

June 10, 2024

# Introduction to Amendment

**The purpose of this proposed amendment to Municipal Elections Code Section 510 is to allow the City to opt out of printing the names of supporters and opponents with local ballot measures if doing so avoids a ballot exceeding six cards.**



FILE NO. ORDINANCE NO.

[Municipal Elections Code - Supporters and Opponents in Ballot Questions for Local Measures]

**Ordinance amending the Municipal Elections Code to provide that the names of supporters and opponents of a local ballot measure submitted to the voters be listed in the ballot statement or question for each local measure except when including such names will cause there to be more than six ballot cards for that election.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
**Additions to Codes** are in *single-underline italics Times New Roman font*.
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
**Board amendment additions** are in double-underlined Arial font.
**Board amendment deletions** are in ~~strikethrough Arial font~~.
**Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Background and Findings.

(a) The Municipal Elections Code requires the City Attorney to prepare a general statement or question to appear on the ballot for each local ballot measure submitted to the voters. Such statements are limited to 30 words, except for unusually complex measures or bond measures, where the general statement or question may be up to 100 words long.

(b) In 2022, with the enactment of Assembly Bill 1416 (AB 1416), the State established new requirements for ballot statements or questions for state and local ballot measures. AB 1416 requires the ballot statement or question for statewide measures and local measures to include a list of supporters and opponents of each measure and authorizes counties to opt out of the requirement for local measures. The list of supporters and the list of opponents may each be up to 125 characters in length. The names of the supporters and opponents must be

Department of Elections
BOARD OF SUPERVISORS Page 1

# Introduction to Amendment

**Underlying this MEC amendment is Assembly Bill (AB) 1416 which requires the printing of the names of supporters and opponents on ballot labels for local measures unless a county's Board of Supervisors opts out.**

- The San Francisco Board of Supervisors previously opted out of AB 1416 via ordinance for any election conducted in Fiscal Year (FY) 2023-24, including the March 5, 2024, election.

- The Department's current request to the Board to opt out is related to the expected large number of local measures that will appear on the November 2024 ballot.

# Changes to a Measure Layout

## Prior to State Law

**31 REFERENDUM ON 2020 LAW THAT WOULD PROHIBIT THE RETAIL SALE OF CERTAIN FLAVORED TOBACCO PRODUCTS.** A "Yes" vote approves, and a "No" vote rejects, a 2020 law prohibiting retail sale of certain flavored tobacco products. **Fiscal Impact:** Decreased state tobacco tax revenues ranging from tens of millions of dollars annually to around $100 million annually.

**REPERENDUM SA 2020 BATAS NA MAGBABAWAL SA RETAIL NA PAGBEBENTA NG ILANG PARTIKULAR NA PRODUKTONG TABAKO NA MAY FLAVOR.** Nag-aapruba ang botong "Oo" at tumatanggi ang botong "Hindi" sa isang 2020 batas na nagbabawal sa retail na pagbebenta ng ilang partikular na produktong tabako na may flavor.

**Epekto sa Pananalapi:** Mas kaunting kita sa buwis sa tabako ng estado na mula sampu-sampung milyong dolyar bawat taon hanggang sa humigit-kumulang $100 milyon taun-taon.

YES / OO ○
NO / HINDI ○

CITY AND COUNTY PROPOSITIONS / MGA PROPOSISYON NG LUNGSOD AT COUNTY

**A** Shall the City amend the Charter to allow City employees who retired before November 6, 1996, to receive a supplemental cost of living adjustment to their pensions even if the retirement system is not fully funded and allow the Retirement Board to have an individual employment contract with its executive director?

Dapat bang amyendahan ng Lungsod ang Tsarter upang mapahintulutan ang mga empleyado ng Lungsod, na nagretiro bago ang Nobyembre 6, 1996, na makatanggap ng karagdagang pera sa kanilang pensiyon at nang makaayon sa halaga ng pamumuhay, kahit na hindi lubusang napopondohan ang sistema para sa pagreretiro, at pahintulutan ang Retirement Board na magkaroon ng pang-indibidwal na kontrata sa pag-eempleyo sa ehekutibong direktor nito?

YES / OO ○
NO / HINDI ○

## State Measures Only

**31 REFERENDUM ON 2020 LAW THAT WOULD PROHIBIT THE RETAIL SALE OF CERTAIN FLAVORED TOBACCO PRODUCTS.** A "Yes" vote approves, and a "No" vote rejects, a 2020 law prohibiting retail sale of certain flavored tobacco products. **Fiscal Impact:** Decreased state tobacco tax revenues ranging from tens of millions of dollars annually to around $100 million annually. **Supporters:** Kate Font, Director, Pediatricians CA; Kim Ryder, President, Heart Health CA; Jorge Reyes, Chair, Cancer Action Network **Opponents:** Mike Goa, Director, CA Finance League; Josh Courts, President, Independent Commerce Counsel; Tim Hao, CFO, Taxpayers Together

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YES / OO ○
NO / HINDI ○

CITY AND COUNTY PROPOSITIONS / MGA PROPOSISYON NG LUNGSOD AT COUNTY

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YES / OO ○
NO / HINDI ○

## State and Local Measures

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YES / OO ○
NO / HINDI ○

CITY AND COUNTY PROPOSITIONS / MGA PROPOSISYON NG LUNGSOD AT COUNTY

**A** Shall the City amend the Charter to allow City employees who retired before November 6, 1996, to receive a supplemental cost of living adjustment to their pensions even if the retirement system is not fully funded and allow the Retirement Board to have an individual employment contract with its executive director? **Supporters:** Supervisors: Safaí, Walton, Chan, Dorsey, Melgar, Mandelman, Peskin, Preston, Ronen, and Stefani **Opponents:** CSFNI; CRS; District 11 League; EMIA; Save Our Amazing City; OMI Cultural Participation Project; Harold Chin

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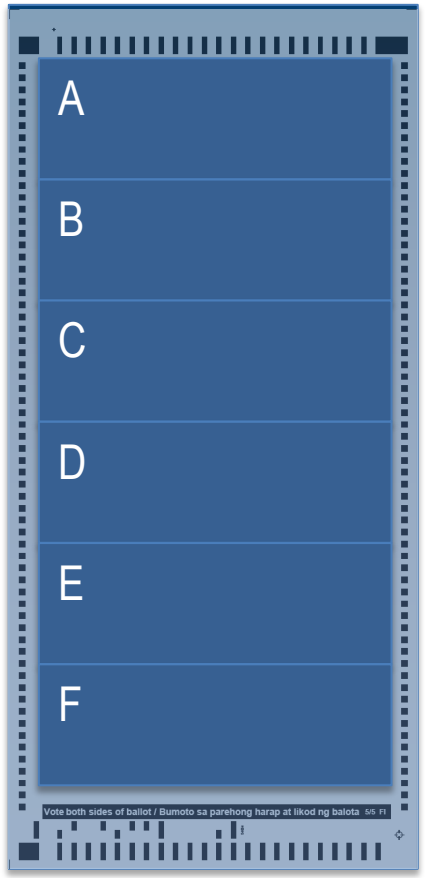
YES / OO ○
NO / HINDI ○

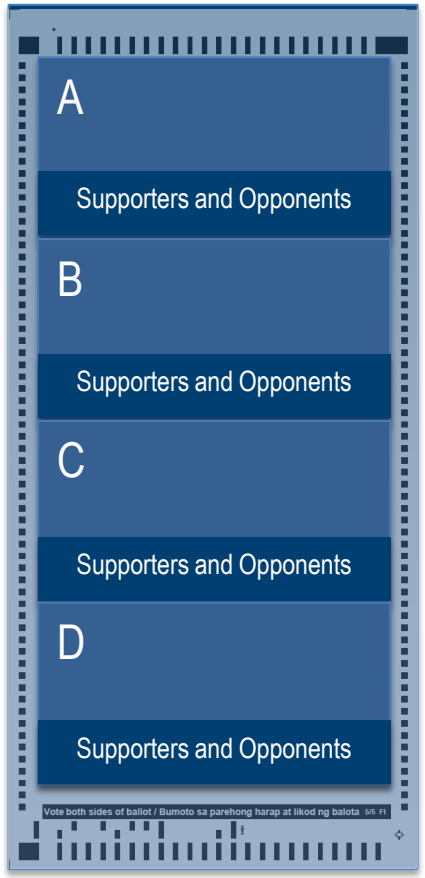
# Impact on Measure Layout

6




Without Supporters/Opponents

4




With Supporters /Opponents

# Impact on Measure Layout

| | Without Supporters/Opponents | With Supporters /Opponents |
|---|---|---|
| Number of measures | 30 | 30 |
| Number of measures per card (both sides) | 12 | 8 |
| Number of cards | 2.5 | 3.75 |

**The Department estimates that listing Supporters and Opponents on the ballot would decrease the number of measures that can fit on a card by 33%.**

# Operational Considerations

**While a six-card ballot will slow the processing of ballots, a ballot greater than six cards will significantly impact many election-related operations.**

- The Department's ballot printing vendor would need to modify and slow its processes for assembling vote-by-mail ballots.
- The United States Postal Service (USPS) would need to modify how it processes outgoing and returned vote-by-mail ballots due to the weight and size of envelopes.
- The Department would need to manually process the possible 400,000 returned vote-by-mail ballots, including hand-opening each envelope due to the limitations of the Department's ballot processing equipment.

# Results Reporting Considerations

## The Department is preparing for high turnout in the November 5, 2024, election.

- Even if the ballot is limited to a six-card ballot for the November election, the Department still expects needing at least one extra week to process and count ballots, compared to the time needed to process ballots for the recent March primary election.
- Every incremental one-card increase greater than six cards will significantly impact and slow the counting of ballots and the release of election results.
- <u>However, if opting out would still result in a ballot with more than six cards, the Department will then print the names of supporters and opponents of local measures on the ballots.</u>