

File No. 101574

Committee Item No. 6

Board Item No.

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 7/21/11

Board of Supervisors Meeting

Date

Cmte Board

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| ☐ | ☐ | Motion |
| ☐ | ☐ | Resolution |
| ☒ | ☐ | Ordinance |
| ☒ | ☐ | Legislative Digest |
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| ☐ | ☐ | Legislative Analyst Report |
| ☐ | ☐ | Youth Commission Report |
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| ☒ | ☐ | Department/Agency Cover Letter and/or Report |
| ☐ | ☐ | MOU |
| ☐ | ☐ | Grant Information Form |
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| ☐ | ☐ | Contract/Agreement |
| ☐ | ☐ | Award Letter |
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OTHER

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Completed by: Linda Wong

Date 7/18/11

Completed by:

Date

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

[Elections Code – E-mailing the Voter Information Pamphlet]

Ordinance amending the San Francisco Municipal Elections Code by amending Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

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

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

Section 1. The San Francisco Municipal Elections Code is hereby amended by amending Section 500, and adding Section 502, to read as follows:

SEC. 500. - VOTER INFORMATION PAMPHLET; CONTENTS; FORMAT.

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

(a) General contents:

(1) A table of contents;

(2) An index of candidates and measures;

(3) A brief explanation of the purpose and use of the pamphlet;

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

Supervisor Mirkarimi
BOARD OF SUPERVISORS

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

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

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

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

13 (9) A sample ballot.

14 (b) Contents as to candidates:

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

17 (2) A brief statement of the term, compensation, and duties of each elective office of
18 the City and County appearing in the pamphlet; and

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

22 (c) Contents as to measures:

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

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

- 1 (3) The digest of each measure prepared by the Ballot Simplification Committee;
- 2 (4) The Controller's financial analysis of each measure;
- 3 (5) An explanation of how the measure qualified for submission to the voters;
- 4 (A) If the measure was submitted to the voters by the Board of Supervisors, the
- 5 explanation required by Subsection (c)(5) of this Section shall identify those Supervisors who
- 6 voted for submission of the measure and those Supervisors who voted against submission of
- 7 the measure,
- 8 (B) If the measure was submitted to the voters by four or more members of the Board
- 9 of Supervisors, the explanation required by Subsection (c)(5) of this Section shall identify
- 10 those Supervisors who submitted the measure,
- 11 (C) If the measure was submitted to the voters by initiative petition, the explanation
- 12 required by Subsection (c)(5) of this Section shall include the number of valid signatures of
- 13 registered San Francisco voters that were required to qualify the measure for the ballot, and
- 14 the date on which the Director of Elections certified that the measure qualified for the ballot;
- 15 (6) The full text of each measure to be voted upon at the election;
- 16 (7) The opponent, proponent, rebuttal and paid arguments, if any, for or against each
- 17 measure; and
- 18 (8) A disclaimer before the opponent, proponent or rebuttal arguments that are
- 19 authorized by motion by the Board of Supervisors and submitted by the Board of Supervisors
- 20 or by one or more members of the Board of Supervisors for or against any measure, stating,
- 21 "The Board of Supervisors authorized the submission of the following argument. As of the
- 22 date of the publication of this Voter Information Pamphlet, the following Supervisors endorse
- 23 the measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the
- 24 submission of the proponent and opponent arguments set forth in Section 535 of this Code
- 25 notified the Department of Elections in writing that they endorse the measure]; oppose the

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

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

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

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

21 ~~The voter information pamphlet shall be mailed to each registered San Francisco voter at least~~
22 ~~29 days prior to each election.~~

23 SEC. 502. – MAILING THE VOTER INFORMATION PAMPHLET.

24 The Director of Elections shall cause the voter information pamphlet, sample ballot, notice of
25 polling place, and associated materials (collectively "ballot materials") to be mailed to each registered

1 San Francisco voter at least 29 days prior to each election, unless the voter has opted to receive ballot
2 materials by electronic means instead of by paper mail. The Director of Elections shall establish a
3 process to enable a voter to opt out of receiving his or her ballot materials by paper mail, and instead
4 receive them electronically via e-mail or by accessing them on the City and County of San Francisco
5 website or the Department of Elections website. This opt out process shall meet the following
6 requirements:

7 (a) The procedures shall establish a method of providing voters with notice that they may
8 request to receive ballot materials electronically in lieu of receiving them by paper mail.

9 (b) The voter e-mail address or any other information the voter provides under this section shall
10 remain confidential pursuant to Section 6254.4 of the California Government Code and Section 2194 of
11 the California Elections Code.

12 (c) The procedures shall provide notice and opportunity for a voter who has opted out of
13 receiving ballot materials by paper mail to opt back into receiving them by paper mail.

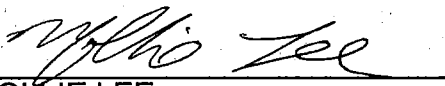
14 (d) The procedures shall allow a voter to apply electronically to become a vote by mail voter.

15 (e) The procedures shall provide a deadline at least 29 days prior to the election by which a
16 voter may opt out of, or opt back into, receiving his or her sample ballot and other ballot materials by
17 paper mail. If a voter misses this deadline, the request shall take effect the following election.

18 (f) The procedures shall include a verification process to confirm the voter's identity, which may
19 be accomplished either by verification of a signature submitted by the voter or by review of other
20 identifying information to be determined by the Director of Elections.

21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:

25 
MOLLIE LEE
Deputy City Attorney

Supervisor Mirkarimi
BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

[Elections Code – E-mailing the Voter Information Pamphlet]

Ordinance amending the San Francisco Municipal Elections Code by amending Section 500 and adding Section 502 to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

Existing Law

The San Francisco Charter requires that a Voter Information Pamphlet (VIP) with information about local measures and candidates "be mailed to each elector so as to be received at least ten days prior to each general, runoff or special municipal election." S.F. Charter § 13.107. The San Francisco Municipal Elections Code requires the VIP to include certain categories of information and requires that it "be mailed to each registered San Francisco voter at least 29 days prior to the election." S.F. MEC § 500.

On July 19, 2010, the Governor signed AB 1717, which amends the California Elections Code to permit local election officials to establish procedures to permit a voter to opt out of receiving physical copies of the voter pamphlet and related materials, provided certain conditions are met. These conditions are as follows:

1. The procedures must provide voters with notice and an opportunity to inform the elections official of a desire to receive ballot materials electronically instead of by paper mail.
2. E-mail addresses and other information provided by the voter under this section will be kept confidential under the same confidentiality provisions that apply to voter registration information.
3. The procedures must permit voters to opt back in to receiving materials by paper mail.
4. The procedures must establish a process by which a voter can apply electronically to become a vote by mail voter.
5. A voter's request to opt out of, or opt back into, receiving ballot materials by paper mail will be effective only if the official receives the request in time to process it before the California Election Code deadline for mailing those materials, which is 21 days before an election for voters who are registered at least 29 days before an election.
6. The procedures must include a process for verifying a voter's identity by checking the signature, California driver's license number, California identification number, or partial social security number provided with the request.

FILE NO.

Amendments to Current Law

The proposed ordinance requires the Director of Elections to establish a process that would permit voters to opt out of receiving the VIP and related materials by paper mail. Voters who opt out of paper mail would receive the VIP and related materials by e-mail or by accessing the materials on-line.

The proposed ordinance requires the opt out process to comply with the basic conditions listed in AB 1717. These conditions are modified for clarity, to reflect local election deadlines, and to authorize the Director of Elections to determine what information other than a signature may be used to verify a voter's identity.

Background Information

The proposed ordinance is designed to implement AB 1717, codified at California Elections Code section 13300.7. This section allows local elections officials to permit voters to opt out of receiving hard copies of the voter pamphlet and associated materials, provided certain conditions are met.

The proposed ordinance does not affect the process for mailing the state ballot pamphlet, which is governed by California Elections Code sections 9094-96.



John Arntz
Director

BY
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BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JAN 13 AM 9:42

Memorandum

To: Linda Wong, Clerk, Rules Committee

From: John Arntz, Director of Elections

Date: January 11, 2011

RE: Electronic Voter Information Pamphlet

The Department of Elections (Department) supports the proposed changes to the San Francisco Municipal Elections Code allowing voters to choose to receive their Voter Information Pamphlet (VIP) and other election materials via electronic means rather than having the Department mail paper copies.

The Department is unable to provide a cost estimate of possible savings since it has no practical experience by which to compare the effects of this proposed legislation with past practices. However, to provide an example of costs related to the VIP, the printing unit cost for one VIP or the November 2010 election was \$.74 and the unit cost to mail one VIP was \$.19. Thus, the total cost to publish and mail each VIP is \$.93.

Regarding Section 502(e), the Department would be able to mail a paper VIP to a voter who opted back into this method of delivery by the 29th day before an election. Yet, for nearly every election, the Department mails the VIP earlier than the 29th day prior an election. The Department would need notice of at least 40 days before an election from voters who do not want the Department to mail them a paper VIP.

BOARD of SUPERVISORS



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MEMORANDUM

TO: Department of Elections
FROM: Angela Calvillo, Clerk of the Board
DATE: January 10, 2011
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Rules Committee

The Board of Supervisors Rules Committee has received the following proposed ordinance, which is being referred to the Department of Elections for comment and recommendation.

File: 101574

Ordinance amending the San Francisco Municipal Elections Code by amending Section 500, and adding Section 502, to require the Director of Elections to establish a process that permits voters to choose to receive the San Francisco Voter Information Pamphlet and associated materials by electronic means instead of by paper mail.

Please return this cover sheet with the department's response to **Linda Wong, Clerk, Rules Committee.**

RESPONSE FROM DEPARTMENT - Date: 1/12/11

☐ No Comment
☒ Recommendation Attached

Signature

A handwritten signature in black ink, appearing to be "Linda Wong", written over a horizontal line.