

FILE NO. 101574

ORDINANCE NO.

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

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Ordinance amending the San Francisco Municipal Elections Code 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. Findings. The Board of Supervisors hereby finds that:

- (a) AB 1717, signed into law on July 19, 2010, amends the California Elections Code and permits local election officials to establish procedures permitting a voter to opt out of receiving paper copies of the Voter Information Pamphlet and related materials provided certain conditions are met.
- (b) Over 450,000 residents of the City and County of San Francisco are registered voters. The Department of Elections mails one Voter Information Pamphlet to each registered voter prior to each election.
- (c) For the November 2010 election, the City and County of San Francisco spent \$504,405.17 on non-fixed costs related to the printing, mailing and postage of all 450,000+ Voter Information Pamphlets, according to the Department of Elections. Stated differently, the printing and mailing of each additional Voter Information Pamphlet costs San Francisco approximately \$1.10. Permitting voters to receive an electronic Voter Information Pamphlet by e-mail or to access it online rather than receiving paper copies through U.S. mail will save

Supervisor Mirkarimi
BOARD OF SUPERVISORS

1 San Francisco hundreds of thousands of dollars at each election, assuming a considerable
2 percentage of voters opt to receive the Voter Information Pamphlet by electronic means.

3 (d) According to the Department of Elections, Voter Information Pamphlets range
4 from 70 to 300 pages depending on the election. Permitting voters to receive the Voter
5 Information Pamphlet by electronic means rather than paper copies through U.S. mail will
6 reduce San Francisco's paper consumption by millions of pages, assuming a considerable
7 percentage of voters opt to receive the Voter Information Pamphlet by electronic means.

8 (e) While the benefits of allowing voters to opt out of receiving paper copies of the
9 Voter Information Pamphlet are clear and widely understood, this ordinance would likely gain
10 even greater popularity if voters who provide their e-mail address for the purpose of receiving
11 the e-mail Voter Information Pamphlet could be assured that their e-mail address would
12 remain confidential.

13 AB 1717 and Section 2194 of California Election Code dictate that e-mail addresses
14 and any other information voters provide under this ordinance will be accessible to "any
15 candidate for federal, state, or local office, to any committee for or against any initiative or
16 referendum measure for which legal publication is made, and to any person for election,
17 scholarly, journalistic, or political purposes, or for governmental purposes, as determined by
18 the Secretary of State." Given the potential for voters to provide an e-mail address without
19 knowing it would be accessible to political campaigns and other entities, this ordinance
20 requires the Department of Elections to provide visible notice to voters about circumstances
21 when their e-mail address may be disclosed.

22 In order to avoid discouraging voters from opting to receive the Voter Information
23 Pamphlet by e-mail, and to enable the success of this ordinance and AB 1717, Section 2194
24 of the California Election Code should be amended to allow for voter e-mail addresses and
25 other information provided under this ordinance to remain fully confidential.

1 Section 42. The San Francisco Municipal Elections Code is hereby amended by
2 amending Section 500, and adding Section 502, to read as follows:

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

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

8 (a) General contents:

9 (1) A table of contents;

10 (2) An index of candidates and measures;

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

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

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

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

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

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

4 (9) A sample ballot.

5 (b) Contents as to candidates:

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

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

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

13 (c) Contents as to measures:

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

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

16 (3) The digest of each measure prepared by the Ballot Simplification Committee;

17 (4) The Controller's financial analysis of each measure;

18 (5) An explanation of how the measure qualified for submission to the voters;

19 (A) If the measure was submitted to the voters by the Board of Supervisors, the
20 explanation required by Subsection (c)(5) of this Section shall identify those Supervisors who
21 voted for submission of the measure and those Supervisors who voted against submission of
22 the measure,

23 (B) If the measure was submitted to the voters by four or more members of the Board
24 of Supervisors, the explanation required by Subsection (c)(5) of this Section shall identify
25 those Supervisors who submitted the measure,

1 (C) If the measure was submitted to the voters by initiative petition, the explanation
2 required by Subsection (c)(5) of this Section shall include the number of valid signatures of
3 registered San Francisco voters that were required to qualify the measure for the ballot, and
4 the date on which the Director of Elections certified that the measure qualified for the ballot;

5 (6) The full text of each measure to be voted upon at the election;

6 (7) The opponent, proponent, rebuttal and paid arguments, if any, for or against each
7 measure; and

8 (8) A disclaimer before the opponent, proponent or rebuttal arguments that are
9 authorized by motion by the Board of Supervisors and submitted by the Board of Supervisors
10 or by one or more members of the Board of Supervisors for or against any measure, stating,
11 "The Board of Supervisors authorized the submission of the following argument. As of the
12 date of the publication of this Voter Information Pamphlet, the following Supervisors endorse
13 the measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the
14 submission of the proponent and opponent arguments set forth in Section 535 of this Code
15 notified the Department of Elections in writing that they endorse the measure]; oppose the
16 measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the
17 submission of the proponent and opponent arguments set forth in Section 535 of this Code
18 notified the Department of Elections in writing that they oppose the measure]; take no position
19 on the measure [insert names of Supervisors who have by 5:00 p.m. on the deadline for the
20 submission of the proponent and opponent arguments set forth in Section 535 of this Code
21 either failed to notify the Department of Elections that they support or oppose the measure or
22 notified the Department of Elections in writing that they have not taken a position on the
23 measure]" This disclaimer shall not be counted towards the number of words permitted in
24 each argument.
25

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

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

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

12 ~~The voter information pamphlet shall be mailed to each registered San Francisco voter at least~~
13 ~~29 days prior to each election.~~

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

15 The Director of Elections shall cause the voter information pamphlet, sample ballot, notice of
16 polling place, and associated materials (collectively "ballot materials") to be mailed to each registered
17 San Francisco voter at least 29 days prior to each election, unless the voter has opted to receive ballot
18 materials by electronic means instead of by paper mail. The Director of Elections shall establish a
19 process to enable a voter to opt out of receiving his or her ballot materials by paper mail, and instead
20 receive them electronically via e-mail or by accessing them on the City and County of San Francisco
21 website or the Department of Elections website. This opt out process shall meet the following
22 requirements:

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

1 **(b) The voter e-mail address or any other information the voter provides under this section shall**
2 **remain confidential pursuant to Section 6254.4 of the California Government Code and Section 2194 of**
3 **the California Elections Code. The Department of Election's opt out procedures shall provide**
4 **visible notice to voters about these confidentiality provisions and circumstances when voter**
5 **information may be disclosed.**

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

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

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

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

15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 MOLLIE LEE
19 Deputy City Attorney