

File No. 101574

Committee Item No. 16  
Board Item No. 2

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Rules

Date 7/21/11

Board of Supervisors Meeting

Date 9.13.11

#### Cmte Board

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<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form (for hearings)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
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#### OTHER

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Completed by: Linda Wong  
Completed by: L.W.

Date 7/18/11  
Date 8/3/11

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

FILE NO. 101574

ORDINANCE NO.

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

1  
2 **Ordinance amending the San Francisco Municipal Elections Code Section 500, and**  
3 **adding Section 502, to require the Director of Elections to establish a process that**  
4 **permits voters to choose to receive the San Francisco Voter Information Pamphlet and**  
5 **associated materials by electronic means instead of by paper mail.**

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

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

10 Section 1. Findings. The Board of Supervisors hereby finds that:

11 (a) AB 1717, signed into law on July 19, 2010, amends the California Elections  
12 Code and permits local election officials to establish procedures permitting a voter to opt out  
13 of receiving paper copies of the Voter Information Pamphlet and related materials provided  
14 certain conditions are met.

15 (b) Over 450,000 residents of the City and County of San Francisco are registered  
16 voters. The Department of Elections mails one Voter Information Pamphlet to each registered  
17 voter prior to each election.

18 (c) For the November 2010 election, the City and County of San Francisco spent  
19 \$504,405.17 on non-fixed costs related to the printing, mailing and postage of all 450,000+  
20 Voter Information Pamphlets, according to the Department of Elections. Stated differently, the  
21 printing and mailing of each additional Voter Information Pamphlet costs San Francisco  
22 approximately \$1.10. Permitting voters to receive an electronic Voter Information Pamphlet  
23 by e-mail or to access it online rather than receiving paper copies through U.S. mail will save  
24

25 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.

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BOARD OF SUPERVISORS

1           Section ~~4~~2. 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,

Supervisor Mirkarimi  
BOARD OF SUPERVISORS

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

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

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

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

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

SEC. 502. – MAILING THE VOTER INFORMATION PAMPHLET.

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

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

Supervisor Mirkarimi  
BOARD OF SUPERVISORS

Page 6  
8/3/2011

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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.

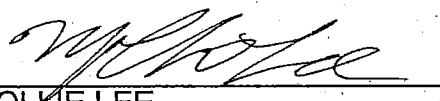
8 (d) The procedures shall allow a voter to apply electronically to become a vote by mail voter.

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

18 By:

  
19 MOLLIE LEE  
20 Deputy City Attorney  
21  
22  
23  
24  
25



7/28/11

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## 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.

Supervisor Mirkarimi  
BOARD OF SUPERVISORS

Page 1  
8/3/2011

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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, to authorize the Director of Elections to determine what information other than a signature may be used to verify a voter's identity, and to provide notice to voters about the confidentiality of voter information.

#### 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.

#### Changes in the Second Draft

The Second Draft is amended to 1) add findings, and 2) require that the Department's opt-out process provide visible notice to voters about state law provisions regarding the confidentiality of voter registration information and note when voter information may be disclosed.



John Arntz  
Director

BY  
AK

RECEIVED  
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 29<sup>th</sup> day before an election. Yet, for nearly every election, the Department mails the VIP earlier than the 29<sup>th</sup> 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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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

## 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.

RESOLUTION ON  
THE VOTER PROFILE

File 101574

Received  
in Committee  
7/28/11

Whereas, vote-by-mail use in San Francisco County has increased from 25% of all ballots cast in November 1996 to 46% of all ballots cast in November 2008; and

Whereas, vote-by-mail ballots that are submitted without the required voter signature on the exterior ballot return envelope cannot be processed or counted; and

Whereas, if a vote-by-mail envelope arrives at the San Francisco Department of Elections without the required voter signature, the Department is contacting such voters by telephone and/or e-mail to inform them of the error and options to correct the error before the end of election day and have their ballot counted; and

Whereas, if the Department of Elections does not have a telephone number or e-mail for a voter, options to notify a voter of an error with their vote-by-mail ballot are limited to slower postal communications; and

Whereas, California voter registration forms state that providing telephone number or e-mail information is optional; and

Whereas, a voter's telephone number and e-mail information, when provided, becomes part of the voter's public profile; and

Whereas, some voters choose not to provide the optional public profile information because such information is posted outside of polling places on election day and this voter profile information also becomes available to political campaigns and commercial list brokers, often resulting in unsolicited and unwanted telephone calls, which often cause registrants not to provide their phone number when registering; and

Whereas, if a voter does provide telephone and e-mail contact information, the Department of Elections is better able to assist the voter by contacting the voter in a timely fashion should there be an error that may prevent their ballot from being counted,

Therefore, be it resolved,

That the Elections Commission of the City and County of San Francisco requests that the State of California State Legislature Committee of San Francisco urge that the California Secretary of State and the California State Legislature consider changes and modifications to the California Elections Code which would allow counties to accept a voter's telephone number and e-mail on voter registration forms and update requests, with the enhanced option allowing a voter to provide telephone number and e-mail information for the restricted and exclusive use by a county's Department of Elections for notifications regarding issues directly involving a voter's registration status, a voter's ability to cast a ballot, and issues involving the ability to process and count a voter's ballot.

Done this 18<sup>th</sup> day of November 2009

Francisco Elections Commission  
I so attest:

Joseph B. Phair, President, San

Shirley Rodriques, Secretary, San Francisco Elections Commission

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## The Opinion Shop

breaking thoughts from the members of the San Francisco Chronicle Editorial Board

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### How you can make sure your vote counts

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#### OPEN FORUM

by Gerard Gleason

Ten years after the election debacle of 2000, we still face problems in counting every vote cast.

In 2000, the famous problems involved ballots that were ambiguous because of a combination of voter carelessness and an error-prone voting method. While these issues were known to elections workers for years, it took a close election to spur corrective action. Now there's another issue: Voters should provide their telephone numbers so elections officials can resolve ballot problems in time to let voters' votes count.

What if ballots are perfectly clear, but are forbidden by law from being counted due to a correctable error made by the voter?

This exact scenario occurs in every election and involves a vital part of securing the integrity of elections: No matter the method of voting, every voter must provide a signature that matches the voter's registration -- after all, only duly registered voters should vote. When voting in person on election day, voters are guided by a poll worker to sign their name in the precinct roster. In contrast, vote-by-mail ballots collect this signature on the return envelope. If the voter did not sign the envelope or the signature does not match the records at the elections office, the ballot cannot be counted by law.

The only effective ways to contact a voter in sufficient time to get a signature by the end of election day are by phone or e-mail. The problem: California voter registration forms state that providing a phone number or e-mail address is optional. Many voters choose not to provide the optional contact information because California law allows personal voter registration data to be made available to others -- such as political campaigns and their "robo calls."

Currently, elections offices can and do contact voters who submit incorrectly executed vote-by-mail envelopes, effectively rescuing those votes from not being counted: They call by telephone if the voter gave a number. If there is no telephone number or e-mail address, the only remaining option is via slower postal delivery. For vote-by-mail ballots submitted days before an election, postal contact may not reach the voter in time.

**Solution:** Change the Elections Code to give voters the power to provide contact information for administrative use only. This could help us prevent the next Florida 2000 or Minnesota 2008. Who would oppose such a commonsense proposal? Basically, every political party, candidate, campaign operative and consultant who has a stake in collecting and mining voters' personal information.

The entrenched political structure of California is literally in a conflict of interest with voters: the establishment wants easy access to personal information, even at the expense of scaring many voters away from providing to their elections officials the very data that could rescue their votes someday.

Contact your state legislators to let them know that you would like to protect your vote by giving your local election official your phone number or e-mail address, but don't want telemarketers or campaigns to get it. Tell them to change the Elections Code. Tell them what they should already know: this is a voter protection issue of growing importance as more citizens vote by mail.

Gerard Gleason is a member of the San Francisco Elections Commission.

Filed By: Lois Kazakoff (Email, Twitter) | October 26, 2010 at 04:38 PM

Filed Under: 2010 Elections

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#### Opinion Shop

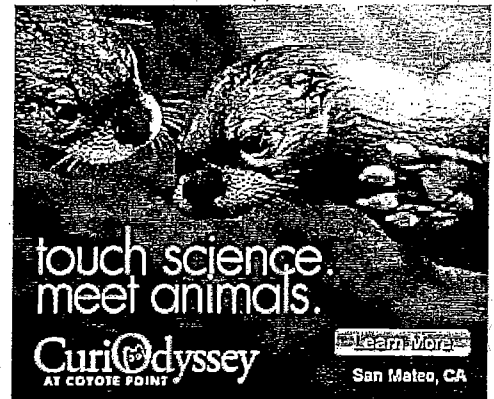
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Social networking bill misses target  
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Congressional race (1)  
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David Horsey (1)  
Debra J. Saunders (19)  
Foster Care (2)  
Gender roles (2)  
Laura's Law (4)  
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Only in San Francisco (1)  
Open Forum (175)  
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## California Election Code

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:

(A) The harassment of any voter or voter's household.

(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph(3).

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

