

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
George Gascón, District Attorney, Office of the District Attorney
Jose Cisneros, Treasurer, Office of the Treasurer & Tax Collector
Vicki Hennessy, Sheriff, Sheriff's Department
Carmen Chu, Assessor-Recorder, Office of the Assessor-Recorder
Jeff Adachi, Public Defender, Office of the Public Defender
Vincent C. Matthews, Ed.D., Superintendent, San Francisco Unified
School District
Steve Bruckman, General Counsel, San Francisco Community College
District

FROM:  Alisa Somera, Legislative Deputy Director
Rules Committee

DATE: November 13, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor {Name} on {Date Introduced}:

File No. 181029

Ordinance amending the Municipal Elections Code to require that candidates for local elective office file their declaration of candidacy on the same date as they file their declaration of intention to accept or solicit campaign contributions.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: alisa.somera@sfgov.org.

c: Patrick Ford, Ethics Commission
Cristine Soto DeBerry, Office of the District Attorney
Maxwell Szabo, Office of the District Attorney
Amanda Kahn Fried, Office of the Treasurer & Tax Collector

Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Nancy Crowley, Sheriff's Department
Nicole Agbayani, Office of the Assessor-Recorder
Viva Mogi, San Francisco Unified School District
Esther Casco, San Francisco Unified School District
Ronald Gerhard, San Francisco Community College District

1 [Municipal Elections Code - Deadline for Filing Declaration of Candidacy]

2
3 **Ordinance amending the Municipal Elections Code to require that candidates for local**
4 **elective office file their declaration of candidacy on the same date as they file their**
5 **declaration of intention to accept or solicit campaign contributions.**

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

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

14 Section 1. The Municipal Elections Code is hereby amended by adding a Section 201
15 and revising Sections 110, 210, 230, and 810, to read as follows:

16 **SEC. 110. DEFINITIONS.**

17 Whenever the following terms are used in this Municipal Elections Code, these
18 definitions shall apply:

19 (a) "City elective office" shall mean the offices of Mayor, Member of the Board of
20 Supervisors, City Attorney, District Attorney, Treasurer, Sheriff, Assessor, Public Defender,
21 Member of the Board of Education of the San Francisco Unified School District and Member
22 of the Governing Board of the San Francisco Community College District.

23 (b) "Measure" means an ordinance, charter amendment, referendum, recall,
24 declaration of policy, or bond measure that will be voted on only in the City and County of San
25 Francisco.

1 "Nomination papers" has the same meaning as in the California Elections Code, as it may be
2 amended from time to time, except that "Nomination papers" does not include the declaration of
3 candidacy.

4 ~~(e)~~ "Signed and sworn statement" means a statement signed under penalty of perjury
5 under the laws of the State of California, that includes the original signature of the signer.
6 Facsimile or electronically produced or reproduced signatures are not original signatures for
7 purposes of this Article.

8 ~~(d)~~ "Voter" means an individual who is registered to vote in the City and County of San
9 Francisco.

10
11 **SEC. 201. DECLARATION OF CANDIDACY.**

12 (a) Each candidate for any City elective office shall file the candidate's declaration of
13 candidacy on the same date the candidate files the declaration of intent to become a candidate required
14 by subsection (a) of Section 1.122 of the Campaign and Governmental Conduct Code.

15 (b) If a member of a board, commission, or other body established by the Charter, other than a
16 citizen advisory committee, has, at the time of the effective date of the ordinance in Board of
17 Supervisors File No. _____ enacting this Section 201, already filed a declaration of intent to become
18 a candidate for any City elective office, that member shall, within 30 days of the aforementioned
19 ordinance, file a declaration of candidacy for that City elective office. Failure to file a declaration of
20 candidacy as required by this subsection (b) shall preclude the member from appearing on the ballot as
21 a candidate for the City elective office referenced in the declaration of intent.

22
23 **SEC. 210. USE OF LEGAL NAMES BY CANDIDATES.**

24 (a) Any candidate for municipal office filing nomination papers and a declaration of
25 candidacy shall do so under the candidate's legal name.

1 (b) A candidate's legal name is the name given at birth, or established by marriage,
2 general usage or habit, or decree of any court of competent jurisdiction. A candidate's legal
3 name may include a nickname, a combination of initials, full names, or individual letters or
4 numerals.

5 (c) If a candidate changes his or her legal name within one year of any election, the
6 candidate shall not file nomination papers *or a declaration of candidacy* under the candidate's
7 new name unless the new name was established by marriage or divorce, or by decree of a
8 court of competent jurisdiction.

9
10 **SEC. 230. FILING FEES; SIGNATURES IN LIEU OF FILING FEES.**

11 (a) Except where the Charter or this Code provides otherwise, the applicable
12 provisions of Division 8, Part 1, Chapter 1 of the California Elections Code shall govern the
13 collection, submission, and processing of signatures in lieu of filing fees.

14 (b) Each candidate shall pay to the Director of Elections at the time of filing the
15 candidate's *declaration of candidacy and* nomination certificates the fee specified in Section 810
16 of this Code.

17 (c) In lieu of part or all of the filing fee, a candidate may submit to the Director of
18 Elections signatures of voters registered in San Francisco. Each signature submitted shall
19 reduce the fee by the amount specified in Section 840 of this Code. Each in-lieu petition shall
20 include spaces for the voter's signature, printed name, and residence address. The residence
21 address shall include street and number within the City and County, or other adequate
22 designation of residence so that the location may be readily ascertained. Across the top of
23 each printed page there shall be printed in 12-point boldface type the following: "Petition in
24 Lieu of Candidate Filing Fee."
25

1 (d) A candidate may submit a greater number of signatures than required to reduce
2 the filing fee to zero. The Director of Elections shall not be required to determine the validity of
3 a greater number of signatures than that required to reduce the filing fee to zero. If the
4 number of signatures affixed to an in-lieu petition is 100 or more, the Director of Elections may
5 use a random sampling technique for verification of the signatures. The random sampling
6 shall include an examination of 100 signatures, or ~~three percent~~ 3% of the total number of
7 signatures submitted, whichever is greater. Upon completion of the verification of signatures
8 in the sample, the percentage of signatures which are valid shall be applied and projected to
9 the total number of signatures submitted.

10
11 **SEC. 810. CANDIDATE FILING FEES.**

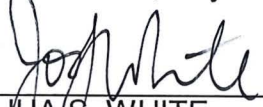
12 (a) Except as provided in ~~§~~ subsection (b), at the time a candidate files his or her
13 ~~declaration of candidacy and~~ nomination certificates the candidate shall pay to the Department
14 of Elections a sum equal to \$2,000 or ~~two percent~~ 2% of the current annual salary for the office
15 to which the candidate seeks election, whichever is greater.

16 (b) At the time a candidate for the Board of Supervisors, Board of Education of the
17 San Francisco Unified School District, or the Governing Board of the San Francisco
18 Community College District files his or her declaration of candidacy, the candidate shall pay
19 \$500 to the Department of Elections.

20
21 Section 2. Effective Date. This ordinance shall become effective 30 days after
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
23 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
24 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: 
11 JOSHUA S. WHITE
12 Deputy City Attorney

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LEGISLATIVE DIGEST

[Municipal Elections Code - Deadline for Filing Declaration of Candidacy]

Ordinance amending the Municipal Elections Code to require that candidates for local elective office file their declaration of candidacy on the same date as they file their declaration of intention to accept or solicit campaign contributions.

Existing Law

At the July 2018 election, San Francisco voters adopted Proposition B, a Charter amendment providing that any member of a board, commission, or other body established by the Charter other than a citizens' advisory committee, must immediately forfeit his or her seat on the board, commission, or body upon filing a declaration of candidacy for any State or local elective office.

Under Section 205 of the Municipal Elections Code, candidates for Mayor and the Board of Supervisors must file "nomination papers" no later than the 147th day before a municipal election and no earlier than the 172nd day. Candidates for all other City elective offices must file their "nomination papers" no later than the 88th day before the election. "Nomination papers" include a declaration of candidacy, in which the candidate must attest that he or she satisfies the statutory and constitutional qualifications for the office.

The City's campaign finance law provides that before a candidate for local elective office solicits or accepts campaign contributions, that candidate must file a declaration of intent with the Department of Elections.

Amendments to Current Law

This ordinance would require candidates for local elective office to file their declaration of candidacy on the same date as they file their declaration of intention to accept or solicit campaign contributions.

This ordinance provides that if a member of a board, commission, or other body established by this Charter, other than a citizen advisory committee, has, at the time of the effective date of this ordinance, already filed a declaration of intent to become a candidate for any City elective office, that member shall, within 30 days of the effective date of this ordinance file a declaration of candidacy. Failure to file a declaration of candidacy at that time would preclude the member from appearing on the ballot as a candidate for the City elective office referenced in the declaration of intent.