

LEGISLATIVE DIGEST
(9/7/2021, Amended in Board)

[Municipal Elections Code - Expanded Vote-by-Mail for Exclusively Municipal Elections]

Ordinance amending the Municipal Elections Code to require the Department of Elections to expand use of vote-by-mail ballots at exclusively municipal elections and encourage further use of vote-by-mail ballots in all elections.

Existing Law

The Municipal Elections Code (“MEC”) currently does not address the use of vote-by-mail ballots in municipal elections. The MEC generally incorporates the California Elections Code, except as otherwise provided. MEC § 100.

Under State law, for any election held prior to January 1, 2022, all registered voters will be automatically sent a vote-by-mail ballot. Cal. Elec. Code § 3000.5. Under this provision, the Department of Elections (“Department”) would have five days to mail a ballot to each person who is registered to vote on or before the 29th day before an election and five days to mail a ballot to each person who subsequently registers to vote.

In future elections, after January 1, 2022, registered voters would need to apply to receive a vote-by-mail ballot or for permanent vote-by-mail status, if they have not done so already. Cal Elec. Code §§ 3001, 3201.

Amendments to Current Law

For exclusively municipal elections, the proposed ordinance would require Department to begin distributing vote-by-mail ballots to all registered voters, including to voters who have not applied to become vote-by-mail voters, by no later than 29 days before the date of the election. The ordinance defines an exclusively municipal election as any local election that is not consolidated with a State or federal election, including local elections held in November 2023 and in every fourth year following 2023.

In the event a subsequent State or federal law requires the Department to automatically distribute vote-by-mail ballots to registered voters in all elections, these provisions would become inoperative and be removed from the MEC.

In addition, for all elections, the Department would attempt to inform every San Francisco household regarding the opportunity to register as a vote-by-mail voter, such as through mailed notices, advertisements or flyers.

Background Information

The State Legislature is currently considering legislation (AB 37) that would continue the automatic distribution of vote-by-mail ballots to all registered voters beyond January 1, 2022.

For the November 3, 2020 Consolidated General Election, pursuant to State law, the Department distributed vote-by-mail ballots to all registered voters. At that election, approximately 79% of San Francisco registered voters cast their votes through vote-by-mail ballots.

n:\legana\as2021\2100406\01534172.docx