

1 [Municipal Elections Code - Supporters and Opponents in Ballot Questions for Local
2 Measures]

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**Ordinance amending the Municipal Elections Code to provide that the names of
5 supporters and opponents of a local ballot measure submitted to the voters be listed in
6 the ballot statement or question for each local measure except when including such
7 names will cause there to be more than six ballot cards for that election.**

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

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

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18 Section 1. Background and Findings.

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(a) The Municipal Elections Code requires the City Attorney to prepare a general
20 statement or question to appear on the ballot for each local ballot measure submitted to the
21 voters. Such statements are limited to 30 words, except for unusually complex measures or
22 bond measures, where the general statement or question may be up to 100 words long.

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(b) In 2022, with the enactment of Assembly Bill 1416 (AB 1416), the State established
24 new requirements for ballot statements or questions for state and local ballot measures. AB
25 1416 requires the ballot statement or question for statewide measures and local measures to
include a list of supporters and opponents of each measure and authorizes counties to opt out
of the requirement for local measures. The list of supporters and the list of opponents may
each be up to 125 characters in length. The names of the supporters and opponents must be

1 drawn from the proponents of the measure or from the arguments in favor and against the
2 measure included in the voter information pamphlet.

3 (c) In enacting AB 1416, the Legislature stated that it intended the new requirements
4 to apply to charter cities like San Francisco.

5 (d) With respect to local ballot measures, AB 1416 gives counties the authority to opt
6 out of the requirements: “a county board of supervisors may elect not to list supporters and
7 opponents for county, city, district and school measures on the county ballot and future county
8 ballots.” Cal. Elections Code Sec. 9170(d).

9 (e) The Director of Elections has determined that including a list of supporters and
10 opponents in the ballot statement or question may significantly increase the length of the
11 ballot and therefore increase the number of ballot cards required for each ballot. Increasing
12 the number of cards will cause the Department of Elections to incur additional expenses for
13 each election due to the material costs of the ballot cards and postage as well as staff time
14 required to process additional cards. The proponents and opponents of each local ballot
15 measure already appear in the voter information pamphlet sent to each voter prior to an
16 election.

17 (f) The Director of Elections has determined that its equipment can accommodate
18 ballots comprised of six or less cards. Ballots that require seven or more cards will likely
19 require manual processing, including reviewing the thickness of each returned envelope
20 before scanning, reviewing voters’ signatures on every envelope too thick for scanning, and
21 opening each envelope to remove voted ballot cards. The United States Postal Service has
22 also indicated that ballots exceeding six cards will require comprehensive changes to how
23 vote-by-mail packets are mailed. The vendor that prepares ballot packets has also indicated
24 its processes will require more time to complete and will occur more slowly if the ballot
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1 packets exceed six cards. Also, the more time required to process the returned ballot
2 envelopes will increase the time needed to count ballots and will delay results reporting.

3 (g) In Ordinance No. 178-23, the Board of Supervisors opted out of the requirements
4 of AB 1416 for elections occurring in Fiscal Year 2023-24, but provided that it would have to
5 opt out for subsequent elections or else be bound by AB 1416. Given the issues with having
6 a ballot that includes more than six ballot cards, the Board of Supervisors finds that opting out
7 of these requirements for future elections in which compliance with AB 1416 would require the
8 ballot to be more than six ballot cards is necessary and appropriate.

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10 Section 2. Article V of the Municipal Elections Code is hereby amended by revising
11 Section 510, to read as follows:

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13 **SEC. 510. CITY ATTORNEY STATEMENT OR QUESTION.**

14 (a) **Format.** Except as provided in §subsection (c) of this Section 510, the
15 City Attorney shall prepare a general statement of any ballot measure to be submitted to the
16 voters, followed by the words "yes" and "no," so arranged that voters may indicate a choice
17 upon the ballot. The general statement or question shall not exceed 30 words, except where
18 the subject measure is unusually complex, in which case the general statement or question
19 shall not exceed 100 words.

20 (b) **Deadline.** The general question or statement for any measure shall be
21 transmitted to the Director of Elections no fewer than 85 days prior to the election to which it
22 relates, for printing and inclusion in the voter information pamphlet.

23 (c) **Bond Measures.** The City Attorney shall not prepare the general
24 statement of a bond measure where the Board of Supervisors approves a general statement
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1 of the measure by ordinance or resolution. The general statement of a bond measure shall not
2 exceed 100 words.

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4 (d) **List of Supporters and Opponents of Measure.**

5 (1) Except as provided by subsection (d)(2), the names of supporters and
6 opponents of each local ballot measure to be submitted to the voters shall be listed in the general
7 statement or question in accordance with Section 9170(a) of the California Elections Code.

8 (2) For any election in which the Director of Elections determines that
9 compliance with subsection (d)(1) will cause the ballot to consist of more than six ballot cards, the City
10 elects to not include a list of supporters and opponents in the general statement or question for local
11 ballot measures submitted to the voters for that election, as authorized by Section 9170(d) of the
12 California Elections Code. The Director of Elections shall provide written notice to the Board of
13 Supervisors and the Mayor and shall post such notice on the Department of Elections website for
14 elections when applying this subsection (d) to authorize the City to opt out of the requirements of
15 Section 9170(a) of the California Elections Code. ~~Notwithstanding Section 9170(a) of the California~~
16 ~~Elections Code, and as authorized by Section 9170(d) of the California Elections Code, for any election~~
17 ~~held in Fiscal Year 2023-24, the general statement or question of any ballot measure to be submitted to~~
18 ~~voters shall not list the supporters or the opponents of the measure. For elections held after Fiscal~~
19 ~~Year 2023-24, the Board of Supervisors may opt out of the requirements of Section 9170(a) by~~
20 ~~resolution submitted and approved as part of the annual budget process.~~

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22 Section 3. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: _____
BRADLEY A. RUSSI
Deputy City Attorney

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