

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

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

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 Article XI,
15 consisting of Sections 1101 and 1102, to read as follows:

16 **ARTICLE XI: VOTE-BY-MAIL IN MUNICIPAL ELECTIONS**

17 **SEC. 1101. DEFINITIONS.**

18 *Whenever the following terms are used in this Article XI, the following definitions shall apply.*

19 *Other terms shall be defined as set forth in the California Elections Code.*

20 *“Department” means the San Francisco Department of Elections.*

21 *“Exclusively Municipal Election” shall mean any election for local officials or measures to be*
22 *held in the City and County that the City has not consolidated with a Federal Election or State*
23 *Election, including, but not limited to, municipal elections held on the Tuesday immediately following*
24 *the first Monday in November in 2023 and in every fourth year following 2023.*

25 *“Federal Election” shall mean any election for Federal officials held in the City and County.*

1 “State Election” shall mean any election for State officials or measures held in the City and
2 County.

3
4 **SEC. 1102. EXPANSION OF VOTE-BY-MAIL FOR EXCLUSIVELY MUNICIPAL**
5 **ELECTIONS.**

6 (a) **Purpose.** The Department shall seek to expand the use of vote-by-mail by San Francisco
7 voters to the extent permitted by State law, without limiting in-person voting opportunities on or
8 before election day. If any subsequent State or federal law (including, but not limited to, statutes and
9 executive orders) that requires the Department to provide vote-by-mail ballots to all registered voters
10 for all municipal elections is approved, enacted, or issued prior to or after the effective date of the
11 ordinance in Board of Supervisors File No. 210604, this Article XI shall be inoperative and the City
12 Attorney shall cause it to be removed from the Municipal Elections Code.

13 (b) **Implementation.**

14 (1) To the extent not otherwise rendered inoperative by subsection (a), in Exclusively
15 Municipal Elections, the Department shall begin distributing vote-by-mail ballots to all registered
16 voters, including to voters who have not applied to become vote-by-mail voters, by no later than 29
17 days before the date of the election.

18 (2) The Department shall attempt to inform every San Francisco household regarding
19 the opportunity to register as a vote-by-mail voter, as authorized under the California Elections Code,
20 for all municipal elections held in the City and County. Such attempts to inform San Francisco
21 households may include: mail or postcards sent to San Francisco addresses; advertisements on radio
22 or television; posts on the Department’s social media accounts; signs in public locations or on public
23 transit; or flyers distributed through storefronts or at public events and gatherings.

1 Section 2. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor’s veto of the ordinance.
5

6 Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word
7 of this ordinance, or any application thereof to any person or circumstance, is held to be
8 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
9 shall not affect the validity of the remaining portions or applications of the ordinance. The
10 Board of Supervisors hereby declares that it would have passed this ordinance and each and
11 every section, subsection, sentence, clause, phrase, and word not declared invalid or
12 unconstitutional without regard to whether any other portion of this ordinance or application
13 thereof would be subsequently declared invalid or unconstitutional.
14

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

17 By: /s/ Andrew Shen
18 ANDREW SHEN
19 Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

**Tails
Ordinance**

File Number: 210604

Date Passed: September 14, 2021

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.

July 26, 2021 Rules Committee - RECOMMENDED

September 07, 2021 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

September 07, 2021 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

September 14, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210604

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/14/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

09/24/2021

Date Approved