

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

3 **Ordinance amending the Municipal Elections Code to opt out of state law that would**
4 **require the names of supporters and opponents of a local ballot measure to be listed in**
5 **the ballot statement or question for the measure for any election held in Fiscal Year**
6 **2023-24 and for future elections subject to approval by the Board of Supervisors.**

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

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

15 Section 1. Findings

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

20 (b) In 2022, the State enacted new requirements for ballot questions for state and local
21 ballot measures. Assembly Bill 1416 (AB-1416) requires the ballot statement or question for
22 both statewide measures and local measures to include a list of supporters and opponents of
23 each measure. The list of supporters and the list opponents may each be up to 125
24 characters in length. The names of the supporters and opponents must be drawn from the
25 proponents of the measure or from the arguments in favor and against the measure included
in the voter information pamphlet. AB-1416 became operative on January 1, 2023.

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

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

7 (e) The Director of Elections has determined that including a list of supporters and
8 opponents in the ballot statement or question will significantly increase the length of the ballot
9 and therefore increase the number of ballot cards required for each ballot. Increasing the
10 number of cards will cause the Department of Elections to incur additional expenses for each
11 election due to the material costs of the ballot cards and postage as well as staff time required
12 to process additional cards. The Director of Elections estimates that the cost of complying
13 with AB-1416 for local ballot measures in the 2024 elections will potentially exceed
14 \$1,000,000. The proponents and opponents of each local ballot measure already appear in
15 the voter information pamphlet sent to each voter prior to an election.

16 (f) Given the projected increase in costs of administering elections associated with
17 including a list of supporters and opponents in the ballot statement or question for each local
18 measure, and the minimal added benefit to voters in light of the information the Department of
19 Elections already provides in the voter information pamphlet, San Francisco elects to opt out
20 of the requirements of AB-1416 for local measures, as provided by Section 9170(d) of the
21 legislation for elections held in Fiscal Year 2023-24 and for future elections, subject to
22 approval by the Board of Supervisors by resolution submitted and approved as part of the
23 annual budget process.
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25

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

3
4 **SEC. 510. CITY ATTORNEY STATEMENT OR QUESTION.**

5 (a) **Format.** Except as provided in Subsection (c) of this Section, the City
6 Attorney shall prepare a general statement of any ballot measure to be submitted to the
7 voters, followed by the words "yes" and "no," so arranged that voters may indicate a choice
8 upon the ballot. The general statement or question shall not exceed 30 words, except where
9 the subject measure is unusually complex, in which case the general statement or question
10 shall not exceed 100 words.

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

14 (c) **Bond Measures.** The City Attorney shall not prepare the general
15 statement of a bond measure where the Board of Supervisors approves a general statement
16 of the measure by ordinance or resolution. The general statement of a bond measure shall not
17 exceed 100 words.

18 (d) **List of Supporters and Opponents of Measure.** Notwithstanding Section
19 9170(a) of the California Elections Code, and as authorized by Section 9170(d) of the California
20 Elections Code, for any election held in Fiscal Year 2023-24, the general statement or question of
21 any ballot measure to be submitted to voters shall not list the supporters or the opponents of the
22 measure. For elections held after Fiscal Year 2023-24, the Board of Supervisors may opt out
23 of the requirements of Section 9170(a) by resolution submitted and approved as part of the
24 annual budget process.

1 Section 3. 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.

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

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13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Bradley A. Russi
16 BRADLEY A. RUSSI
17 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

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

File Number: 230663

Date Passed: July 25, 2023

Ordinance amending the Municipal Elections Code to opt out of state law that would require the names of supporters and opponents of a local ballot measure to be listed in the ballot statement or question for the measure for any election held in Fiscal Year 2023-24 and for future elections subject to approval by the Board of Supervisors.

June 14, 2023 Budget and Appropriations Committee - RECOMMENDED

July 11, 2023 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Safai,
Stefani and Walton
Excused: 1 - Ronen

July 18, 2023 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE
BEARING NEW TITLE

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen,
Safai, Stefani and Walton

July 18, 2023 Board of Supervisors - PASSED ON FIRST READING AS AMENDED


Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Ronen, Safai,
Stefani and Walton
Noes: 1 - Preston

July 25, 2023 Board of Supervisors - FINALLY PASSED


Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Ronen, Safai,
Stefani and Walton
Noes: 1 - Preston

File No. 230663

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/25/2023 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

7/28/23
Date Approved