

File No. 100267

Committee Item No. 3  
Board Item No. 48

### COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee: Rules

Date July 12, 2010

Board of Supervisors Meeting

Date 7/20/10

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
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#### OTHER

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Completed by: Linda Wong  
Completed by: P.W.

Date July 9, 2010  
Date 7/15/10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



[Election Day Voter Registration.]

CHARTER AMENDMENT

PROPOSITION \_\_\_\_\_

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by adding Section 13.112 and amending Article XVII to establish Election Day Voter Registration for exclusively municipal elections.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 2, 2010, a proposal to amend the Charter of the City and County by adding Section 13.112 and amending Article XVII to read as follows:

NOTE: Additions are *single-underline italics Times New Roman*;  
deletions are ~~*strike-through-italics Times New Roman*~~.

Section 1. Findings.

1. Every eligible voter who wants to vote should have the opportunity to do so.
2. The California Elections Code establishes a voter registration deadline of fifteen days before an election.
3. This amendment is intended to permit San Franciscans to register to vote in exclusively municipal elections on any day up to and including Election Day.
4. Election Day Voter Registration has been a success in the eight states that currently allow it: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. States that have implemented Election Day voter registration have seen increases in voter turnout of between three and six percent. In the 2008 election, the five states with the highest voter turnout rates all allowed Election Day Voter Registration.

5. San Francisco voter turnout for exclusively municipal elections is often significantly lower than the turnout for statewide elections. The average voter turnout of the last ten exclusively municipal elections was 37 percent.

6. Allowing Election Day Voter Registration in exclusively municipal elections in San Francisco would increase voter participation in these elections that typically suffer from low turnout.

7. San Francisco voters expressed strong support for this concept in 2002, when 59 percent of San Francisco voters supported Proposition 52, which would have allowed for Election Day Voter Registration.

Section 2. The San Francisco Charter is hereby amended by adding Section 13.112 and amending Article XVII, to read as follows:

**SEC. 13.112. ELECTION DAY VOTER REGISTRATION.**

*For any General Municipal Election or Special Municipal Election that is not consolidated with a statewide election or other election governed by state law, an elector may submit an affidavit of registration on any day up to and including the day of the election and may cast a ballot in that election. The Board of Supervisors shall establish by ordinance procedures for permitting electors to register to vote in an exclusively municipal election fewer than fifteen days before that election. Before adopting or amending an ordinance under this section, the Board of Supervisors shall consult with the Director of Elections.*

**ARTICLE XVII: DEFINITIONS.**

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

"Confirm" or "confirmation" shall mean the approval by a majority of the members of the Board of Supervisors.

"Discrimination" shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.

"Domestic partners" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

"Elector" shall mean a person registered to vote in the City and County.

"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.

"General municipal election" shall mean the election to be held in the City and County on the Tuesday immediately following the first Monday in November in odd-numbered years.

"Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.

"Notice" shall mean publication in an official newspaper (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office.

"One-third," "a majority" or "two-thirds" of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.

"Published" shall mean published in an official newspaper of the City and County.

"Referendum" shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.

"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

"Statewide election" shall mean an election held throughout the state.

"Voter" shall mean an elector who is registered in accordance with the provisions of state or municipal law.

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

By:

  
\_\_\_\_\_  
Mollie Lee  
Deputy City Attorney

## LEGISLATIVE DIGEST

[Election Day Voter Registration.]

A proposal to amend the Charter of the City and County of San Francisco at an election to be held on November 2, 2010 by adding Section 13.112 and amending Article XVII to establish Election Day Voter Registration for exclusively municipal elections.

### Existing Law

The Charter defines "voter" as "an elector who is registered in accordance with the provisions of state law." An elector is a person registered to vote in the City and County of San Francisco. State law establishes eligibility requirements and procedures for registering to vote. It also establishes a voter registration deadline of fifteen days before an election.

Under current law, voter registration in the City and County of San Francisco is conducted according to state law. There are no local registration procedures that differ from state law.

### Amendments to Current Law

This proposal would amend the Charter to establish "Election Day Voter Registration" for exclusively municipal elections. These elections generally occur in odd-numbered years and do not include any statewide measures or candidates. An otherwise qualified voter could register to vote in an exclusively municipal election fewer than fifteen days before that election.

The proposal would also change the definition of voter to include persons registered to vote in accordance with municipal law. This would permit San Francisco to establish other local voter registration procedures for exclusively municipal elections. If San Francisco established local registration procedures, a person registered according to these local procedures would be a "voter" under the new Charter definition.

### Background Information

The second draft of this proposed Charter amendment adds Section 13.112 to establish Election Day Voter Registration for exclusively municipal elections. The first draft would have permitted this change by changing the definition of voter, but further legislation would have been required to adopt Election Day Voter Registration.



CITY AND COUNTY OF SAN FRANCISCO  
OFFICE OF THE CONTROLLER

Ben Rosenfield  
Controller

Monique Zmuda  
Deputy Controller

July 12, 2010

*Received  
in Controller's  
7/12/10*

Ms. Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place Room 244  
San Francisco, CA 94102-4689

RE: File 100627 - Charter amendment providing for a local definition of voter

Dear Ms. Calvillo,

Should the proposed Charter amendment be approved by the voters, in my opinion, it would in and of itself have no impact on the cost of government. The proposed amendment would enable the City to make a variety of changes to voter registration and election processes—such changes would be proposed and approved subsequently by ordinance.

New local voter registration procedures would likely increase the cost of government by an unknown amount depending on the types of changes proposed. The Department of Elections would be required to perform outreach to voters, print and distribute materials, develop new procedures and train workers to register people who would become eligible to vote under local procedures. This effort would cost an estimated minimum of \$500,000 for an initial election conducted under new procedures.

Sincerely,

  
Ben Rosenfield  
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.