[Prohibition on giving or receiving anything of value in consideration of voting or refraining from voting at a Municipal Election.]

Ordinance amending Municipal Elections Code by adding Section 970 to prohibit the giving or receiving of anything of value in consideration of voting, refraining from voting, or voting for or against a candidate or measure at a municipal election.

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

Section 1. The San Francisco Municipal Elections Code is hereby amended by adding Section 970, to read as follows:

Sec. 970

(a) No person shall directly or through any other person pay, lend, or contribute or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or to or for any other person to:

(1) induce any person to:

(A) vote at any municipal election;

(B) refrain from voting at any municipal election;

(C) vote or refrain from voting at a municipal election for or against any particular person or measure; or

(D) remain away from the polls during a municipal election; or

(2) reward any person for having:

(A) voted at any municipal election;

(B) refrained from voting at any municipal election;

Honorable Aaron Peskin, Chris Daly
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(C) voted or refrained from voting at a municipal election for or against any particular person or measure; or

(D) remained away from the polls during a municipal election.

(b) No person may directly or through any other person solicit, accept, receive, agree to accept, or contract for, before, during or after a municipal election, any money, gift, loan, or other valuable consideration, office, place, or employment for himself or herself or any other person because he or she or any other person:

(1) voted or agreed to vote at any municipal election;

(2) refrained or agreed to refrain from voting at a municipal election;

(3) voted, agreed to vote, refrained from voting, or agreed to refrain from voting for or against any particular person or measure at a municipal election;

(4) remained away or agreed to remain away from the polls during a municipal election; or

(5) induced any other person to:

(A) vote or agree to vote at any municipal election;

(B) refrain from voting or agree to refrain from voting at a municipal election;

(C) vote, agree to vote, refrain from voting, or agree to refrain from voting for or against any particular person or measure at a municipal election; or

(D) remain or agree to remain away from the polls during a municipal election.

(c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon a final judgment of conviction of same, shall be removed from office or in the alternative shall be subject to a penalty of not more than six months in jail and/or fine of not more than $1,000, as well as removal.

(d) "Person" means an individual, partnership, corporation, association, firm or other organization or entity, however organized.
(e) Nothing in this section shall prohibit the following:

(1) making an expenditure for, offering, providing, accepting or receiving transportation
to or from the polls; or

(2) making an expenditure for, organizing or attending a gathering providing
complementary food, beverages and/or entertainment, provided that no valuable
consideration is offered, promised, solicited, accepted or received in consideration of
the conduct described in subsection (a); or

(3) making expenditures for the organization and conduct of get-out-the-vote rallies.

(f) Pursuant to the procedures set forth in San Francisco Charter Sections 15.102 and C3.699-
10 et seq., the Ethics Commission shall adopt regulations consistent with this section for the purpose of
implementing this section while avoiding any application that would prohibit conduct protected by the
United States Constitution or the California Constitution.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: MAXWELL S. PELTZ
Deputy City Attorney
Ordinance amending Municipal Code, Elections Code by adding Section 970 to prohibit the giving or receiving of anything of value in consideration of voting, refraining from voting, or voting for or against a candidate or measure at a municipal election.

December 17, 2001 Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee

January 7, 2002 Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval, Yee
I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 7, 2002 by the Board of Supervisors of the City and County of San Francisco.

Gregoire Hobson
Acting Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.