Elections for the Retiree Health Trust Fund Board, San Francisco Employee Retirement System Board and Health Service System Board]


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


ARTICLE XIII: ELECTION OF TRUSTEES FOR THE RETIREMENT BOARD, AND HEALTH SERVICE BOARD, AND RETIREE HEALTH TRUST FUND BOARD

SEC. 16.550. PURPOSE.

(a) The Charter of the City and County of San Francisco provides that the trustees of the Retirement Board, who are entrusted with the administration of the San Francisco City and County Employee's Retirement System, shall include three trustees elected from the active and retired members of the Retirement System. As used in this Article, a retired
member of the Retirement System shall mean a person who is in receipt of a retirement allowance relating to his or her membership in the retirement system.

(b) The Charter of the City and County of San Francisco provides that the trustees of the Health Service Board, who are entrusted with the administration of the San Francisco City and County Employees' Health Service System, shall include three-four trustees elected from the active and retired members of the Health Service System. As used in this Article for the purposes of a Health Service System election, a retired member of the Health Service System shall mean a person who is a member of the Health Service System retired under the San Francisco City and County Employees' Retirement System, State Teachers Retirement System (STRS), Public Employees Retirement System (PERS), and the surviving spouse of an active employee and the surviving spouse of a retired employee, provided that the surviving spouse and the active or retired employee have been married for a period of at least one year prior to the death of the active or retired employee.

(c) The Charter of the City and County of San Francisco provides that the trustees of the Retiree Health Care Trust Fund, who are entrusted with providing a funding source to defray the cost of the City's and Participating Employers' obligations to pay for health coverage for retired persons and their survivors entitled to health care coverage under Charter Section A8.428, shall include two trustees elected from active employees and retired members of the City's Health Service System. One of the elected trustees shall be an active City or Participating Employer employee member and one shall be a retired City or Participating Employer member as of the date of their respective elections. For the purposes of a Retiree Health Care Trust Fund election, a retired member of the Health Service System shall mean a person who retired from City employment, or from a Participating Employer, and who is a member of the Health Service System retired under the San Francisco City and County Employees' Retirement System, the State Teachers Retirement System (STRS), or the Public Employees Retirement System.
System (PERS), and the surviving spouse or domestic partner of an active employee and the surviving spouse or domestic partner of a retired employee, provided that the surviving spouse or domestic partner and the active or retired employee have been married for a period of at least one year prior to the death of the active or retired employee. For the purposes of a Retiree Health Care Trust Fund election, an active member of the Health Service System shall mean an active City employee or an active employee of a Participating Employer. As used in this section, Participating Employer shall include means the San Francisco Unified School District and the San Francisco Community College District, following a resolution by these employers' respective governing boards to participate in the Retiree Health Care Trust Fund.

(d) The failure to abide by election procedure obligations and deadlines in San Francisco Administrative Code Sections 16.550-16.565 shall not invalidate an election if the election has been conducted fairly and in substantial compliance with and conformity to the legal requirements.

(e) Whenever the term of office of such an elected trustee expires or whenever a vacancy occurs in such an office so that an election is necessary to fill a present or expected vacancy, the following provisions shall govern the election procedure.

SEC. 16.551. RETIREMENT BOARD, HEALTH SERVICE BOARD OR RETIREE HEALTH TRUST FUND BOARD TO ORDER ELECTIONS.

If a vacancy occurs, or will occur, in the office of an elected trustee prior to the date that the term of that office expires, the Retirement Board, Health Service Board or Retiree Health Trust Fund Board shall order a special election to fill the vacancy for the unexpired portion of the term of office, unless another election to a Retirement Board, Health Service Board or Retiree Health Trust Fund Board office is scheduled to be completed within six months after the vacancy has, or shall, occur, in which case the elections shall be combined; provided, however, that a separate special election shall be required if the election which has already
been scheduled will occur too soon to nominate and select candidates for the more recent
vacancy. Whenever the Retirement Board, or Health Service Board or Retiree Health Trust
Fund Board orders an election, the respective Board shall specify whether the election is to be
carried out by the Registrar of Voters ("Registrar") Department of Elections or by an unbiased
independent contractor ("Contractor"). Special elections may be held on an expedited basis as
determined by the Department of Elections. The first Retiree Health Trust Fund Board election shall
be a special election conducted by the Department of Elections.

SEC. 16.552. DATES OF ELECTION.

Whenever an election is necessary, either at the completion of a term of office or to fill
an unexpired term of office, the Retirement Board, or Health Service Board or Retiree Health
Trust Fund Board shall specify the dates during which ballots may be marked and delivered.
However, the dates designated by the Retirement Board, or Health Service Board or Retiree
Health Trust Fund Board shall not be within one month before or after an election which has
been otherwise scheduled and which involves residents of the City and County of San
Francisco as electors, unless the Department of Elections agrees to do so the dates.

SEC. 16.553. NOTICE TO MEMBERS AND RETIRED MEMBERS; NOMINATION OF
MEMBERS AND RETIRED MEMBERS.

The Retirement Board, or Health Service Board or Retiree Health Trust Fund Board shall
thereafter notify the members and retired members of the Retirement System or Health
Service System respectively of the following:

(a) The necessity for an election;

(b) The procedure for nomination and selection of candidates to serve on the Board; and

Supervisor Elsbernd
BOARD OF SUPERVISORS
(c) The dates that ballots may be marked and delivered and the procedure for voting.

The period of time during which nominations may be made shall be set by the Retirement Board, or Health Service Board or Retiree Health Trust Fund Board, but in no event shall be less than 31 days. Any person nominated to serve as a trustee of the Retirement Board, or Health Service Board or Retiree Health Trust Fund Board shall, on forms provided by the respective Board for this purpose and by the date set by the respective Board, verify acceptance of the nomination and agree to serve if elected before he or she may be listed as a candidate.

In any election for membership on the Health Service Board or Retiree Health Trust Fund Board, when only one candidate has filed nomination papers, the Registrar of Voters Department of Elections or Contractor shall not conduct an election and shall declare the sole candidate to be a member of the Health Service Board or Retiree Health Trust Fund Board.

SEC. 16.553-1. CANDIDATE QUALIFICATION STATEMENTS.

(a) Content and Form of Statement. Candidates may file a candidate qualification statement including the name, age and occupation of the candidate and a description of no more than 200 words of the candidate's education and qualifications as expressed by the candidate. To ensure that all statements are filed in a uniform format, the statement shall be in a manner specified, and on a form provided, by the Department of Elections, or Contractor, for this purpose.

(b) Deadline for Submission of Statement. Candidates who choose to submit a candidate qualification statement shall file the statement with the Department of Elections, or Contractor, at the date and time established by that department.

(c) Inclusion of Nominators and Supporters. The candidate qualification statement may, but need not, include the names of some or all of the candidate's nominators. The statement may also
include the names of individuals and entities which support the candidate but which did not serve as
nominators. However, the names of such supporters shall not be published as part of the candidate's qualification statement unless the candidate provides the supporter's written authorization at the time the statement is submitted to the Director of Elections or Contractor. The authorization shall be in a form prescribed by the Director of Elections or Contractor. If the candidate chooses to include the names of nominators, or other supporters in the candidate qualification statement, these names shall be counted toward the 200-word limit.

(d) Limitations. The candidate qualification statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(e) Withdrawal of Statement. A candidate may withdraw, but not change, his or her candidate qualification statement by filing with the Director of Elections, or Contractor, a signed and sworn statement of withdrawal no later than 5:00 p.m. of the thirtieth day prior to the election.

SEC. 16.553-2. CANDIDATE DISCLOSURE REQUIREMENTS.

(a) Each candidate for Retirement Board, Health Service Board or Retiree Health Trust Fund Board elections shall file, by the date set by the respective Board for verifying acceptance of the nomination, a statement disclosing the information required by the disclosure category for the elective office sought by the candidate established in the Conflict of Interest Code. Candidates shall file such statements with the respective Board on the same forms as used by filers under Section 3.1-100, et seq of the Conflict of Interest Code. This statement shall not be required if the candidate has filed, within 90 days prior to accepting the nomination, a statement at disclosure category one (1) with the City and County of San Francisco.
SEC. 16.554. NOTICE TO REGISTER DEPARTMENT OF ELECTIONS OR CONTRACTOR.

The Retirement Board, or Health Service Board or Retiree Health Trust Fund Board shall notify the Registrar Department of Elections or Contractor at least 120 days prior to the first day that ballots may be marked and delivered (hereafter referred to as the "First Voting Day") that an election shall be held.

SEC. 16.555. NOTICE TO DEPARTMENTS; APPOINTMENT OF ELECTION OFFICERS.

The Registrar Department of Elections or Contractor shall notify each department, office and agency of the City and County of San Francisco (hereunder referred to as "department") at least 90 days prior to the First Voting Day that the department must designate an employee who shall serve as Election Officer for that department and must inform the Registrar Department of Elections or Contractor at least 60 days prior to the First Voting Day of the identity of such officer. The Registrar Department of Elections or Contractor shall supply each department with a form which can be returned to the Registrar Department of Elections or Contractor which identifies the employee who has been designated Election Officer. If any department has not designated an Election Officer by the appointed deadline, the Registrar Department of Elections or Contractor shall treat the department head as the Election Officer and shall continue to provide such notice until such designation has been made.

SEC. 16.556. INSTRUCTIONS TO ELECTION OFFICERS.

The Registrar Department of Elections or Contractor shall provide written instructions to each Election Officer at least 21 days prior to the First Voting Day, informing such officer of dates on which ballots will be distributed and collected and the procedure to be followed for their distribution and collection. If any department has failed to designate an Election Officer
by the time that the Registrar Department of Elections or Contractor sends these written
instructions, the Registrar Department of Elections or Contractor shall thereafter treat the
administrative head of the department as the Election Officer until another employee has been
designated as such by that department.

SEC. 16.557. DELIVERY OF BALLOTS AND NAMES OF ELIGIBLE VOTERS TO
REGISTRAR DEPARTMENT OF ELECTIONS OR CONTRACTOR.

The Retirement Board, or Health Service Board or Retiree Health Trust Fund Board shall
furnish the Registrar Department of Elections or Contractor with the names of the eligible
nominees at least 35 days prior to the first Voting Day.

The Retirement Board, or Health Service Board or Retiree Health Trust Fund Board shall
also furnish the Registrar Department of Elections or Contractor with a list of the members and
retired members of the Retirement System or Health Service System respectively eligible to
vote ("voters") in the election at the same time that it furnishes the names of the eligible
nominees. A supplemental list shall be furnished to the Registrar Department of Elections or
Contractor within two days of the first Voting Day, which list shall provide the names of
eligible voters not included on the original list. These lists shall be in the format required by
the Registrar Department of Elections or Contractor. These lists shall include the last known
addresses for the members and retired members. For the active members, at the election of
the entity conducting the election the department address shall be provided as an alternative.

Upon request, the City's Health Service System shall provide all information to
Contractor, or the Department of Elections, necessary to conduct the Retiree Health Trust
Fund Board nomination and election process including, but not limited to, information
regarding voter lists, voter contact information and Health Service System membership status.
SEC. 16.558. BALLOTS TO CONTAIN INSTRUCTIONS FOR VOTING.

Each ballot shall contain instructions printed on it informing the voters of the procedure to be used in marking the ballot. Each ballot, or ballot return envelope, shall inform the voter that there are three ways to return the ballot:

(a) By placing the ballot in the signed and sealed return envelope provided by the Contractor or the Department of Elections in the container maintained for such purpose by the Election Officer of the voter's department, or by otherwise using the collection procedure arranged for by the Election Officer;

(b) By delivering the signed and sealed return envelope provided by the Contractor or the Department of Elections with the ballot enclosed personally to the office of the Registrar Department of Elections or the Contractor; and

(c) By placing a stamp on the ballot return envelope and mailing the ballot and envelope to the Office of the Registrar Department of Elections or the Contractor.

The instructions shall also note the date by which ballots must be delivered as noted above in order to be counted.

SEC. 16.559. BALLOTS TO BE PLACED IN ADDRESSED ENVELOPES; EXTRA BALLOTS.

(a) Members. Each ballot and ballot return envelope shall be mailed in a separate envelope addressed to each employee eligible to vote at the member's individual address provided by the Retirement System, Health Service System or Retiree Health Trust Fund Board. In the alternative, at the election of the entity conducting the election, ballots shall be delivered in care of his or her department.
(b) Retired Members. Each ballot and ballot return envelope shall be mailed in a separate envelope addressed to the retired member at the address provided by the Retirement System, or Health Service System or Retiree Health Trust Fund Board.

(c) Additional ballots shall be printed and available for members and retired members of the Retirement System or Health Service System who are eligible to vote but did not receive an individually addressed ballot.

SEC. 16.560. DELIVERY OF BALLOTS AND INSTRUCTIONS TO ELECTION OFFICERS.

(a) Members. The Registrar Department of Elections or Contractor shall cause the ballots and accompanying envelopes to be mailed or delivered pursuant to Section 16.559(a) not later than 10 days prior to the first Voting Day, along with written instructions for their proper distribution and collection and any other pertinent guidelines as set out in these provisions or as otherwise applicable.

(b) Retired Members. The Registrar Department of Elections or Contractor shall deposit in the mail the ballots and accompanying envelopes to each retired member at least 10 business days prior to the first Voting Day.

SEC. 16.561. DUTIES OF ELECTION OFFICERS.

Each Election Officer shall:

(a) Prior to the date that ballots are delivered, inform the department or employee responsible for distributing paychecks to employees of the department of the dates during which ballots are to be distributed to employees and of the responsibility of the Payroll Department to make arrangements to distribute a ballot with each paycheck by a date that will allow each voter at least three days to mark and deliver the ballot;
(b) Upon receipt of the ballots, coordinate his or her efforts and those of the Payroll Department to insure that the ballots are ready to be distributed along with paychecks by a date that will allow each voter at least three days to mark and deliver the ballot;

(c) Provide notice to employees who are in the Retirement System or Health Service System but would not be likely to receive ballots along with their paychecks, such as employees on the temporary payroll, that ballots are available;

(d) Provide ballots to employees who did not, or would not, receive them along with their paychecks pursuant to the procedure established by the Registrar Department of Elections or Contractor;

(e) Establish and maintain a collection procedure so that employees have a convenient method of returning ballots, which method shall, where possible, make use of at least one container in which ballots can be placed; and

(f) Return the ballots which have been received or otherwise collected according to the collection procedure established by such officer to the Registrar Department of Elections or Contractor, either personally or by the inter-office mail system, in a timely manner so that the ballots will be delivered to the Registrar Department of Elections or Contractor by the date established by the Retirement Board, or the Health Service Board or Retiree Health Trust Fund Board as the final date for such delivery.

SEC. 16.562. DUTY OF PAYROLL DEPARTMENT.

The Payroll Department shall provide cooperation and assistance in sorting the ballots or performing other tasks necessary to insure that the ballots are distributed along with paychecks by a date that will allow each voter at least three days to mark and deliver the ballot.
SEC. 16.563. COUNTING OF BALLOTS AND CERTIFICATION OF NEW TRUSTEE.

(a) The Registrar Department of Elections or Contractor shall thereafter count the ballots in such a manner that the identity of the individual casting any particular ballot will not be disclosed. Each ballot shall be counted so long as it has been properly marked, signed and delivered. The Registrar Department of Elections or Contractor shall certify the new Health Service Board or Retiree Health Trust Fund Board trustee.

(b) Within five days of the close of voting and prior to certification, the Retiree Health Trust Fund Board secretary shall attest to the Department of Elections or contractor that there is one retired member trustee and one active member trustee candidate to fill the two elected Retiree Health Trust Fund Board trustee positions. For purposes of Retiree Health Trust Fund Board elections, the date of the election shall be the day the election is certified by the Department of Elections or Contractor. In the event that the active member candidate with the highest number of votes is no longer an active member on the day the election is certified, the Department of Elections shall certify the active member candidate with the next highest number of votes. In the event that the retired member candidate with the highest number of votes is no longer a retired member on the day the election is certified, the Department of Elections shall certify the retired member candidate with the next highest number of votes.

(c) Within five days of the close of voting and prior to certification, the Executive Director of Secretary General Manager for the Retirement System shall attest to the Registrar Department of Elections or Contractor whether there is a retired member serving as trustee on the Retirement Board:

(e) If, at that time, there is no retired member serving as trustee, the Registrar Department of Elections or Contractor shall certify the individual receiving the highest number of votes as the newly elected trustee of the Retirement Board.
(b)(ii) If, at that time, there is a retired member serving as trustee, the Registrar Department of Elections or Contractor shall certify the member (not a retired member) receiving the highest number of votes as the newly elected trustee of the Retirement Board.

Where there is no vacancy, the Registrar Department of Elections or Contractor shall certify the new Retirement Board trustee as close to the expiration of the term as reasonably possible.

**SECTION 16.563-1 CHANGE IN STATUS FOR ELECTED RETIREE HEALTH TRUST FUND BOARD MEMBERS**

(a) If, after a Retiree Health Trust Fund Board election has been certified by the Department of Elections or the Contractor, the active Retiree Health Trust Fund Board member retires, then that Board member’s seat shall be deemed vacant and shall remain vacant until the Board can hold a special election under Section 16.551.

(b) If, after a Retiree Health Trust Fund Board election has been certified by the Department of Elections or the Contractor, the retired Retiree Health Trust Fund Board member returns to active status, then that Board member’s seat shall be deemed vacant and shall remain vacant until the Board can hold a special election under Section 16.551.

**SEC. 16.564. RETIREMENT BOARD, OR HEALTH SERVICE BOARD OR RETIREE HEALTH TRUST FUND BOARD TO REIMBURSE REGISTRAR DEPARTMENT OF ELECTIONS.**

The Retirement Board, or Health Service Board or Retiree Health Trust Fund Board shall reimburse the Office of the Registrar Department of Elections for the actual expenses incurred by it in conducting Retirement Board, or Health Service Board or Retiree Health Trust Fund Board elections respectively. The Retirement Board, or Health Service Board or Retiree Health Trust Fund Board shall pay all Contractor expenses when the respective Board specifies that a
Contractor conduct a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election.

SEC. 16.565. GIVING, RECEIVING ANYTHING OF VALUE IN CONSIDERATION OF VOTING PROHIBITED.

(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 Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;

(B) Refrain from voting at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;

(C) Vote or refrain from voting at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election for or against any particular person or measure; or

(2) Reward any person for having:

(A) Voted at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;

(B) Refrained from voting at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election; or

(C) Voted or refrained from voting at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election for or against any particular person or measure.
(b) No person may directly or through any other person solicit, accept, receive, agree to accept, or contract for, before, during or after a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election, any money, gift, loan, or other valuable consideration, offer, 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 Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;

2. Refrained or agreed to refrain from voting at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board 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 Retirement Board, Health Service Board or Retiree Health Trust Fund Board election; or

4. Induced any other person to:

   A. Vote or agree to vote at any Retirement Board, Health Service Board or Retiree Health Trust Fund Board election;

   B. Refrain from voting or agree to refrain from voting at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board election; or

   C. Vote, agree to vote, refrain from voting, or agree to refrain from voting for or against any particular person or measure at a Retirement Board, Health Service Board or Retiree Health Trust Fund Board 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 and may also 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.

Section 2. The San Francisco Campaign and Governmental Conduct Code is hereby amended by adding section 3.1-268 to read as follows:
**Designated Positions and Disclosure Categories**

| Retiree Health Trust Fund Board Member | 1 |

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

By:  
ERIK A. RAPPORT  
Deputy City Attorney
Ordinance amending the San Francisco Administrative Code by amending Sections 16.550-16.561
Francisco Campaign and Governmental Conduct Code by adding Section 3.1-268, to provide for
Retiree Health Trust Fund Board elections and making minor revisions to existing San Francisco
Retirement System and Health Service System election procedures.

November 4, 2008 Board of Supervisors — CONTINUED
  Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
  McGoldrick, Mirkarimi, Peskin, Sandoval

November 18, 2008 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE
BEARING SAME TITLE
  Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
  McGoldrick, Mirkarimi, Peskin, Sandoval

November 18, 2008 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
  Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
  McGoldrick, Mirkarimi, Peskin, Sandoval

November 25, 2008 Board of Supervisors — FINALLY PASSED
  Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
  McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 25, 2008 by the Board of Supervisors of the City and County of San Francisco.

Date Approved

12/5/2008

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom