


MEMORANDUM

TO: Department Heads
City Financial Officers
Contracting Officers

FROM: Carmen Chu, City Administrator 

CC: Sailaja Kurella, Purchaser and Director of Office of Contract Administration
John Arntz, Director, San Francisco Department of Elections
Kimberly Ellis, Director, Department on the Status of Women
Pau Crego, Acting Executive Director, Office of Transgender Initiatives

SUBJECT: Ban on City Contracts and Travel to States with Voter Suppression, Anti-LGBT and Abortion-Restrictive Laws

DATE: March 4, 2022

On October 14, 2016, the Board of Supervisors enacted Chapter 12X of the Administrative Code (Ordinance No. 189-16, **file No. 160425**) (“Chapter 12X”) which prohibits city-funded travel and City contracts involving states with certain anti-LGBT laws.

On August 9, 2019, the Board of Supervisors enacted an ordinance amending Chapter 12X (Ordinance No. 200-19, **file No. 190658**). The ordinance moved the existing provisions concerning states with anti-LGBT laws into Article I and created a new Article II, which prohibits city-funded travel and City contracts involving states with laws that prohibit abortion prior to the viability of the fetus.

On November 5, 2021, the Board of Supervisors enacted an ordinance amending Chapter 12X (Ordinance No. 201-21, **file No. 210811**). The ordinance created a new Article III, which prohibits city-funded travel and City contracts involving states with voter suppression laws.

Pursuant to Administrative Code Sections 12X.3, 12X.13, and 12X.24, the City Administrator shall create and maintain a list of states with laws meeting the definition of a Covered State under Articles I, II and III of Chapter 12X (“Covered State List”). The Covered State List is reviewed on a semiannual basis, in consultation with the Office of Transgender Initiatives, Department on the Status of Women, and Department of Elections. When a state is removed or added to the list, the Office of the City Administrator will make that information public and post the updated list on its website, available at <https://sfgsa.org/chapter-12x-state-ban-list>.

Generally

Subject to certain exceptions, Chapter 12X prohibits the City from funding travel to states on the Covered State List. Chapter 12X also provides that the City shall not enter into any Contract with a Contractor (A) that has its United States headquarters in a state on the Covered State list; or (B) where any or all of the work on the Contract will be performed in a state on the Covered State List. Unless otherwise exempted, this contracting ban applies to all contracts entered into by the City. The contracting ban applies to the prime contractor and does not extend to lower tier subcontractors, suppliers, or vendors.

The applicability of 12X is based on, among other factors, the Operative Date for each Article. The Operative Date is the date on which an Article under Chapter 12X became effective. The Operative Dates for Articles I, II and III of Chapter 12X are as follows:

- Article I: February 11, 2017
- Article II: January 1, 2020
- Article III: March 6, 2022

Contracts executed before the Operative Date of the applicable 12X Article(s) are deemed exempt from Chapter 12X. Future amendments, novations, and assignments of such exempt contracts are also deemed exempt, regardless of where the supplier is located after contract execution. Even where exempt, however, the department must still document the exemption.

Covered States List as of March 6, 2022

The list below indicates all the states on the Covered State List as of March 6, 2022 and their operative date.

State	12X Article I: Restrictive LGBT Laws Operative Date: 2/11/2017	12X Article II: Restrictive Abortion Laws Operative Date: 1/1/2020	12X Article III: Restrictive Voting Laws Operative Date: 3/6/2022	Operative Date for Determining if Contracts are Exempt from 12X
Total States	15	23	17	28
Alabama	Yes	Yes	Yes	02/11/17
Alaska	No	No	No	Not Subject to 12X
Arizona	No	No	Yes	03/06/22
Arkansas	No	Yes	Yes	01/01/20
California	No	No	No	Not Subject to 12X
Colorado	No	No	No	Not Subject to 12X
Connecticut	No	No	No	Not Subject to 12X
Delaware	No	No	No	Not Subject to 12X
Florida	Yes	Yes	Yes	02/11/17
Georgia	No	Yes	Yes	01/01/20
Hawaii	No	No	No	Not Subject to 12X

State	12X Article I: Restrictive LGBT Laws Operative Date: 2/11/2017	12X Article II: Restrictive Abortion Laws Operative Date: 1/1/2020	12X Article III: Restrictive Voting Laws Operative Date: 3/6/2022	Operative Date for Determining if Contracts are Exempt from 12X
Idaho	Yes	No	Yes	02/11/2017
Illinois	No	No	No	Not Subject to 12X
Indiana	No	Yes	Yes	01/01/20
Iowa	Yes	Yes	Yes	02/11/17
Kansas	Yes	Yes	Yes	02/11/17
Kentucky	Yes	Yes	Yes	02/11/17
Louisiana	No	Yes	Yes	01/01/20
Maine	No	No	No	Not Subject to 12X
Maryland	No	No	No	Not Subject to 12X
Massachusetts	No	No	No	Not Subject to 12X
Michigan	No	No	No	Not Subject to 12X
Minnesota	No	No	No	Not Subject to 12X
Mississippi	Yes	Yes	No	02/11/17
Missouri	No	No	No	Not Subject to 12X
Montana	Yes	Yes	Yes	02/11/17
Nebraska	No	Yes	No	01/01/20
Nevada	No	Yes	Yes	01/01/20
New Hampshire	No	Yes	Yes	01/01/20
New Jersey	No	No	No	Not Subject to 12X
New Mexico	No	No	No	Not Subject to 12X
New York	No	No	No	Not Subject to 12X
North Carolina	Yes	No	No	02/11/17
North Dakota	Yes	Yes	No	02/11/2017
Ohio	Yes	Yes	No	02/11/17
Oklahoma	Yes	Yes	Yes	02/11/17
Oregon	No	No	No	Not Subject to 12X
Pennsylvania	No	Yes	No	01/01/20
Rhode Island	No	No	No	Not Subject to 12X
South Carolina	Yes	Yes	No	02/11/17
South Dakota	Yes	Yes	No	02/11/17
Tennessee	Yes	No	No	02/11/17
Texas	Yes	Yes	Yes	02/11/17
Utah	No	No	No	Not Subject to 12X
Vermont	No	No	No	Not Subject to 12X
Virginia	No	No	No	Not Subject to 12X

State	12X Article I: Restrictive LGBT Laws Operative Date: 2/11/2017	12X Article II: Restrictive Abortion Laws Operative Date: 1/1/2020	12X Article III: Restrictive Voting Laws Operative Date: 3/6/2022	Operative Date for Determining if Contracts are Exempt from 12X
Washington	No	No	No	Not Subject to 12X
West Virginia	Yes	Yes	No	02/11/2017
Wisconsin	No	Yes	No	01/01/20
Wyoming	No	No	Yes	03/06/22

March 6, 2022 Updates to the Covered State List

Effective March 6, 2022, the following states are added to the Covered State List based on recent legislative actions meeting the definition of Covered State under Articles I, II, or III of Chapter 12X.

- **Article I – Anti-LGBTQ Laws:**

- Florida - passed SB 1028, which bans trans youth from participating in school sports.
- Ohio - passed HB 110, which allows medical providers to deny care to LGBTQ+ patients.
- Texas - passed HB 25, which discriminates against trans student athletes by requiring public school students to compete in interscholastic athletic competitions based on sex assigned at birth.

- **Article II – Anti-Abortion Laws:**

- New Hampshire - passed state law (Bill H2), which prohibits abortion at 24 weeks.
- Montana - passed state law (Bill H136), which prohibits abortion after 20 weeks.

- **Article III – Voter Suppression Laws:**

- Alabama - passed HB 285, which increases barriers for voters with disabilities.
- Alabama - passed HB 538, which shortens the window to apply for a mail ballot.
- Arizona - passed SB 1003, which imposes stricter signature requirements for mail ballots.
- Arizona - passed SB 1485, which makes it harder to remain on absentee voting lists.
- Arizona - passed SB 1819, which expands voter purges or the risk of faulty voter purges.
- Arkansas - passed HB 1112, which imposes harsher voter ID requirements.
- Arkansas - passed HB 1244, which imposes harsher voter ID requirements.
- Arkansas - passed HB 1715, which restricts assistance in returning a voter's mail ballot.
- Arkansas - passed SB 643, which shortens the window to apply for a mail ballot and deadline to deliver mail ballots.
- Florida - passed SB 90, which makes it harder to remain on absentee voting lists; eliminates or limits sending mail ballots to voters who do not specifically request them; restricts assistance in returning a voter's mail ballot; limits the number, location, or availability of mail ballot drop boxes; and imposes harsher voter ID requirements.

- Georgia - passed SB 202, which shortens the window to apply for a mail ballot; eliminates or limits sending mail ballot applications to voters who do not specifically request them; limits the number, location, or availability of mail ballot drop boxes; imposes harsher voter ID requirements; and limits early voting days or hours.
- Idaho - passed HB 290, which imposes stricter signature requirements for mail ballots
- Idaho - passed SB 1064, which narrows eligibility for absentee voting.
- Indiana - passed SB 398, which limits the number, location, or availability of mail ballot drop boxes.
- Iowa - passed SF 413, which shortens the window to apply for a mail ballot; shortens the deadline to deliver mail ballots; eliminates or limits sending mail ballot applications to voters who do not specifically request them; restricts assistance in returning a voter's mail ballot; limits the number, location, or availability of mail ballot drop boxes; expands voter purges or the risk of faulty voter purges; reduces polling place availability; and limits early voting days or hours.
- Iowa - passed SB 568, which restricts assistance in returning a voter's mail ballot and increases barriers for voters with disabilities.
- Kansas - passed HB 2183, which restricts assistance in returning a voter's mail ballot and imposes stricter signature requirements for mail ballots.
- Kansas - passed HB 2332, which eliminates or limits sending mail ballot applications to voters who do not specifically request them.
- Kentucky - passed HB 574, which shortens the window to apply for a mail ballot; restricts assistance in returning a voter's mail ballot; and expands voter purges or risk of faulty voter purges.
- Louisiana - passed HB 167, which expands voter purges or the risk of faulty voter purges.
- Montana - passed HB 176, which eliminates Election Day registration.
- Montana - passed HB 530, which restricts assistance in returning a voter's mail ballot.
- Montana - passed SB 169, which imposes harsher voter ID requirements.
- Montana - passed SB 170, which expands voter purges or the risk of faulty voter purges.
- Montana - passed SB 196, which reduces polling place availability.
- Montana - passed SB 319, which restricts certain types of voter registration drives and restricts assistance in returning a voter's mail ballot.
- Nevada - passed SB 84, which increases the number of voters per precinct.
- New Hampshire - passed HB 523, which imposes harsher voter ID requirements.
- New Hampshire - passed SB 31, which expands voter purges or the risk of faulty voter purges.
- Oklahoma - passed HB 2663, which shortens the window to apply for a mail ballot.
- Texas - passed HB 3920, which increases barriers for voters with disabilities.
- Texas - passed SB 1, which eliminates or limits sending mail ballot applications to voters who do not specifically request them; restricts assistance in returning a voter's mail ballot; imposes stricter signature requirements for mail ballots; imposes harsher voter ID requirements; increases barriers for voters with disabilities; reduces polling place availability; and limits early voting days or hours.
- Texas - passed SB 1111, which expands voter purges or the risk of faulty voter purges.
- Wyoming - passed HB 75, which imposes harsher voter ID requirements.

If you have questions or require further clarification on City-funded travel, please contact your Financial Officer or accountant representative.