

1 [Elimination of Paid Ballot Arguments.]

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3 **Ordinance amending the Municipal Elections Code to amend Sections 500, 530, 535**  
4 **and 585 and deleting Sections 555, 560, 565, 570 and 830 to eliminate paid ballot**  
5 **arguments from the Voter Information Pamphlet.**

6 Note: Additions are *single-underline italics Times New Roman*;  
7 deletions are *strikethrough italics Times New Roman*.  
8 Board amendment additions are double underlined.  
9 Board amendment deletions are ~~strikethrough normal~~.

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

11

12 Section 1. The San Francisco Municipal Elections Code, Article V, is hereby amended  
13 by amending Sections 500, 530, 535, and 585 and deleting Sections 555, 560, 565, and 570  
14 to read as follows:

15 Sec. 500. VOTER INFORMATION PAMPHLET; CONTENTS; FORMAT.

16 With respect to any election to be held in the City and County, the Director of Elections  
17 shall prepare a voter information pamphlet. The voter information pamphlet shall contain, in  
18 addition to any other material required by the Charter or by general law, the following  
19 materials:

- 20 (a) General contents:
  - 21 (1) A table of contents;
  - 22 (2) An index of candidates and measures;
  - 23 (3) A brief explanation of the purpose and use of the pamphlet;
  - 24 (4) A summary of voters' rights;
  - 25 (5) A brief description of the rules and procedures that govern the submission,  
selection and publication of ballot arguments in the pamphlet, including a statement explaining

1 that each person entitled to submit a "Proponent's" or "Opponent's" argument is chosen  
2 pursuant to the priority list stated in Section 545 of this Code;

3 (6) A disclaimer that neither the Director of Elections nor any other City agency,  
4 official or employee verifies the accuracy of information contained in the ballot arguments or  
5 candidate qualification statements appearing in the pamphlet, and an explanation that any  
6 person submitting a ballot argument or qualifications statement bears the sole responsibility  
7 for claims made therein;

8 (7) Artwork, graphics and other material which the Director of Elections determines  
9 will make the pamphlet easier to understand or more useful to the voter;

10 (8) Definitions of terms appearing in the pamphlet; and

11 (9) A sample ballot.

12 (b) Contents as to candidates:

13 (1) The candidate qualification statement of each candidate for an elective office of  
14 the City and County;

15 (2) A brief statement of the term, compensation, and duties of each elective office of  
16 the City and County appearing in the pamphlet; and

17 (3) Any notice required by the Campaign Finance Reform Ordinance, Administrative  
18 Code Section 16.510-3, or the Political Reform Act, Government Code Section 85601 et seq.,  
19 informing voters whether the candidate has adopted the applicable voluntary expenditure  
20 ceiling.

21 (c) Contents as to measures:

22 (1) The identification of each measure by letter and title;

23 (2) The City Attorney's statement or question for each measure;

24 (3) The digest of each measure prepared by the Ballot Simplification Committee;

25 (4) The Controller's financial analysis of each measure;

- 1           (5)    An explanation of how the measure qualified for submission to the voters;
- 2           (A)    If the measure was submitted to the voters by the Board of Supervisors, the
- 3 explanation required by Subsection (c)(5) of this Section shall identify those Supervisors who
- 4 voted for submission of the measure and those Supervisors who voted against submission of
- 5 the measure,
- 6           (B)    If the measure was submitted to the voters by four or more members of the
- 7 Board of Supervisors, the explanation required by Subsection (c)(5) of this Section shall
- 8 identify those Supervisors who submitted the measure,
- 9           (C)    If the measure was submitted to the voters by initiative petition, the explanation
- 10 required by Subsection (c)(5) of this Section shall include the number of valid signatures of
- 11 registered San Francisco voters that were required to qualify the measure for the ballot, and
- 12 the date on which the Director of Elections certified that the measure qualified for the ballot;
- 13           (6)    The full text of each measure to be voted upon at the election; and
- 14           (7)    The opponent, proponent, and rebuttal ~~and paid~~ arguments, if any, for or against
- 15 each measure.

16           Measures, and the material specified in this Section relating to said measures, shall be

17 printed in the voter information pamphlet in the same order in which designated upon the

18 ballot.

19           The items specified in Subsection (c)(1) to (c)(5) of this Section shall be printed

20 together on the same page of the voter information pamphlet. This page shall be known as

21 the "ballot measure title page." The ballot measure title page shall also indicate: the page

22 number at which the full text of the measure is printed; the page number at which the

23 arguments for or against the measure are printed; and, if applicable the page number at which

24 the definitions of terms appearing on ballot measure title page are printed.

25

1           The format of the voter information pamphlet shall be determined by the Director of  
2 Elections, subject to the approval of the Ballot Simplification Committee.

3           The voter information pamphlet shall be mailed to each registered San Francisco voter  
4 so as to be received at least 10 days prior to each general, runoff or special municipal  
5 election.

6           Sec. 530. BALLOT ARGUMENTS; PROCEDURES.

7           (a)    These procedures shall govern the submission and publication of ballot  
8 arguments for or against any measure submitted to the voters.

9           (b)    The Board of Supervisors, or any member or members of the Board of  
10 Supervisors authorized by that body; the Mayor; any proponent of an initiative measure or a  
11 referendum; any individual voter who is eligible to vote on the measure, or group of such  
12 voters; or association or organization; or any combination thereof, may submit a written  
13 argument for or against any measure for publication in the voter information pamphlet. No  
14 argument shall exceed 300 words in length.

15          (c)    A ballot argument shall not be accepted unless accompanied by the signature or  
16 signatures of the person or persons submitting it, or, if submitted on behalf of an association  
17 or organization, the name of the association or organization and the signature of at least one  
18 of its principal officers who is a registered San Francisco voter. The association or  
19 organization submitting the argument must clearly indicate whether it wishes the name of the  
20 officer submitting the argument to be printed as part of the argument. The names of additional  
21 associations, organizations, or individuals who are registered San Francisco voters may be  
22 submitted as co-authors of the argument. The names and titles of all co-authors, and the  
23 name and title of any other person to be included in the text of the argument as printed in the  
24 voter information pamphlet, shall be counted against the 300-word limit specified in Section  
25

1 575 of this Article. ~~Such names and titles shall be subject to the per word fee specified in Section 830~~  
2 ~~of this Code.~~

3 (d) A ballot argument which includes in its text the name of a individual or entity,  
4 other than a co- author of the argument, which is represented as being for a measure, or  
5 which is represented as supporting or endorsing the views expressed in the argument, shall  
6 not be accepted unless the argument is accompanied by a statement of consent signed by  
7 such individual or entity. The consent of an entity shall be signed by an officer or other duly  
8 authorized representative.

9 Sec. 535. BALLOT ARGUMENTS; DEADLINES FOR SUBMISSION, CORRECTION,  
10 AND WITHDRAWAL.

11 (a) Ballot arguments submitted for selection as the "proponent's" argument for or  
12 "opponent's" argument against a measure as provided in Section 545 must be submitted to  
13 the Director of Elections no later than noon of the seventy-seventh day prior to the election at  
14 which the measure is to be voted upon.

15 (b) Rebuttal arguments as provided for in Section 550 must be submitted to the  
16 Director of Elections no later than noon of the seventieth day prior to the election at which the  
17 measure is to be voted upon.

18 (c) ~~Ballot arguments submitted for publication as paid arguments for or against a measure~~  
19 ~~as provided for in Section 560 must be submitted to the Director of Elections no later than noon of the~~  
20 ~~seventieth day prior to the election at which the measure is to be voted upon.~~

21 ~~(d)~~ Arguments may be changed or withdrawn by the persons submitting them at any  
22 time up to and including the last day for submission.

23 ~~(d)~~ ~~(e)~~ Grammatical and spelling and factual errors contained in an argument may be  
24 corrected by the person submitting the argument at any time up until noon of the sixty-eighth  
25 day prior to the election. For purposes of this subsection, the determination of what

1 constitutes a grammatical or spelling or factual error shall be made by the Director of  
2 Elections.

3 ~~SEC. 555. PROPONENT AND OPPONENT ARGUMENTS; SUBMISSION AS PAID~~  
4 ~~ARGUMENTS.~~

5 ~~Any individual or entity submitting an argument for selection as a "proponent's" or~~  
6 ~~"opponent's" argument may separately submit the same as a paid argument, subject to the deadline and~~  
7 ~~fee or signature requirements elsewhere provided in this Article. If an argument is selected as a~~  
8 ~~"proponent's" or "opponent's" argument, the Director of Elections shall return any printing fee already~~  
9 ~~paid to the individual or entity submitting the argument.~~

10 ~~SEC. 560. PAID ARGUMENTS; FEES; DISCLOSURE OF TRUE SOURCE OF FUNDS.~~

11 ~~(a) — Upon deposit of the fee specified in Section 830 of this Code and the filing of a statement~~  
12 ~~signed under penalty of perjury disclosing the true source of the funds used for payment of the fee, the~~  
13 ~~Director of Elections shall accept for publication any ballot argument otherwise complying with the~~  
14 ~~provisions of this Article.~~

15 ~~(b) — When the true source of the funds used for payment of a publication fee qualifies as a~~  
16 ~~recipient political committee pursuant to California Government Code Section 82013(a), the person~~  
17 ~~submitting the ballot argument shall also disclose the names of the three contributors whose cumulative~~  
18 ~~contributions are the largest contributions received by the committee during the six months~~  
19 ~~immediately preceding submission of the ballot argument.~~

20 ~~SEC. 565. PAID ARGUMENTS; SIGNATURES IN LIEU OF FEE.~~

21 ~~(a) — The author of any ballot argument otherwise complying with the provisions of this~~  
22 ~~Article may submit a petition containing signatures in lieu of the publication fee required under Section~~  
23 ~~830. Any registered voter of the City and County may sign an in-lieu petition for an argument for or~~  
24 ~~against a measure. Each signature shall reduce the amount of the publication fee by the amount~~

1 ~~specified in Section 840 of this Code. A voter may sign both an initiative or referendum petition and an~~  
2 ~~in-lieu publication fee petition; the petitions, however, must be separate documents.~~

3 ~~(b) — Any registered voter of the City and County may sign in-lieu of publication fee petition~~  
4 ~~for more than one argument concerning the same measure. However, a registered voter may not sign~~  
5 ~~an in-lieu publication fee petition for one particular argument more than once.~~

6 ~~(c) — Each in-lieu petition shall include a complete and accurate copy of the text of the~~  
7 ~~proposed argument and shall be submitted in a format prescribed by the Director of Elections. Each~~  
8 ~~petition shall also include spaces for the voter's signature, printed name and residence address. The~~  
9 ~~residence address shall include street and number within the City and County, or other adequate~~  
10 ~~designation of residence so that the location may be readily ascertained. Across the top of each printed~~  
11 ~~page there shall be printed in 12-point boldface type the following: "Petition in Lieu of Ballot~~  
12 ~~Argument Publication Fee."~~

13 ~~(d) — Each in-lieu petition shall include an affidavit signed by the circulator in substantially~~  
14 ~~the same form as set forth in California Elections Code Section 9022, except that the affidavit shall~~  
15 ~~declare that the circulator is a voter of the City and County and shall state the address at which the~~  
16 ~~circulator is registered to vote at the time of the execution of the affidavit.~~

17 ~~SEC. 570. SIGNATURES SUBMITTED IN LIEU OF BALLOT ARGUMENT FEE;~~  
18 ~~PROCEDURES.~~

19 ~~(a) — Upon receipt of the minimum number of signatures required, or a sufficient combination~~  
20 ~~of such signatures and pro-rata publication fee, the Director of Elections shall provisionally accept the~~  
21 ~~argument for inclusion in the ballot pamphlet. Within seven days after the receipt of the petition, the~~  
22 ~~Director of Elections shall notify the submitter of the petition of any deficiency in the in-lieu signatures~~  
23 ~~submitted. The submitter may then, prior to the close of the period for the submission of arguments,~~  
24 ~~submit additional signatures in compliance with the provisions of this Article governing in-lieu~~  
25 ~~petitions, or pay a pro-rata portion of the publication fee to cover the deficiency.~~

1           (b) — ~~If determination of the deficiency occurs after the close of the period for submission of~~  
2 ~~arguments, the submitter, within 24 hours of being notified of the deficiency, shall pay an amount~~  
3 ~~sufficient to cure the deficiency or the Director of Elections shall not publish the argument. In the event~~  
4 ~~the Director of Elections does not publish the argument, the Director of Elections shall reimburse the~~  
5 ~~submitter for any payment previously made.~~

6           (c) — ~~The submitter of an in-lieu petition may submit a greater number of signatures than~~  
7 ~~required to allow for subsequent losses due to the invalidity of some signatures. The Director of~~  
8 ~~Elections shall not be required to determine the validity of a greater number of signatures than that~~  
9 ~~required to qualify the argument for publication.~~

10          (d) — ~~The author of an argument may submit both an in-lieu petition and deposit a fee which~~  
11 ~~combined exceed the number of signatures and/or amount of money required to qualify the argument~~  
12 ~~for publication, up to and including submittal of the full number of signatures and payment of the full~~  
13 ~~fee. The Director of Elections shall thereafter refund any remaining portion of the fee not needed to~~  
14 ~~cure any deficiency in the in-lieu petition caused by invalid signatures.~~

15          (e) — ~~If the number of signatures affixed to an in-lieu petition is 100 or more, the Director of~~  
16 ~~Elections may use a random sampling technique for verification of the signatures. The random~~  
17 ~~sampling shall include an examination of 100 signatures, or three percent of the total number of~~  
18 ~~signatures submitted, whichever is greater. Upon completion of the verification of signatures in the~~  
19 ~~sample, the percentage of signatures which are valid shall be applied and projected to the total number~~  
20 ~~of signatures submitted.~~

21           ~~SEC. 585. PUBLICATION OF ARGUMENTS IN VOTER INFORMATION~~  
22 ~~PAMPHLET; PUBLICATION OF TRUE SOURCE OF FUNDS.~~

23           ~~In the event that an argument has been prepared and submitted in compliance with this~~  
24 ~~Article, the Director of Elections shall publish the argument in the voter information pamphlet.~~  
25 ~~Immediately following each paid ballot argument in the voter information pamphlet, the Director of~~



1 ~~Elections shall include a statement disclosing the name of the individual or entity that is the true source~~  
2 ~~of the funds used for publication of that argument. In addition, if the true source of funds is a recipient~~  
3 ~~political committee pursuant to California Government Code Section 82013(a), the Director of~~  
4 ~~Elections shall publish a statement disclosing the names of the three largest contributors to that~~  
5 ~~committee, as provided to the Department of Elections pursuant to Section 560 of this Code.~~

6 Section 2. The San Francisco Municipal Elections Code, Article VIII, is hereby  
7 amended by deleting Section 830, to read as follows:

8 ~~SEC. 830. BALLOT ARGUMENT FEES.~~

9 ~~At the time that the author of a ballot argument submits the argument for publication as~~  
10 ~~a paid argument, the author shall pay a ballot argument filing fee of \$200 plus \$2.00 per word~~  
11 ~~pursuant to Sections 560, 565 and 570 of this Code.~~

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

15  
16 By: \_\_\_\_\_  
17 Claire M. Sylvia  
18 Deputy City Attorney