

FILE NO. 021996

ORDINANCE NO. 44-03

1 [Voter Information Pamphlet Amendments]

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3 **Ordinance amending sections 500, 530 and 550 of the San Francisco Municipal**
4 **Elections Code to require the Director of Elections to publish in the Voter Information**
5 **Pamphlet: (1) a description of every elector's right to seek a writ of mandate or an**
6 **injunction requiring any or all of the materials in the Voter Information Pamphlet to be**
7 **amended or deleted, and (2) a disclaimer at the beginning of each ballot measure**
8 **argument and rebuttal authorized by the Board of Supervisors explaining which**
9 **members of the Board of Supervisors endorse, oppose or have taken no position on**
10 **the measure; and to clarify that when the Board of Supervisors authorizes a member or**
11 **members of that body to submit a ballot measure argument or rebuttal, it shall do so by**
12 **motion, and it need not take any further action, including voting on or otherwise**
13 **approving the actual text of the argument or rebuttal.**

14 Note: Additions are single-underline italics Times New Roman;
15 deletions are ~~strikethrough italics Times New Roman~~.
16 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

18 Section 1. The San Francisco Municipal Elections Code is hereby amended by
19 amending Section 500, to read as follows:

20 **SEC. 500. VOTER INFORMATION PAMPHLET; CONTENTS; FORMAT.**

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

25 (a) General contents:

1 (1) A table of contents;
2 (2) An index of candidates and measures;
3 (3) A brief explanation of the purpose and use of the pamphlet;
4 (4) A summary of voters' rights, including a description of the right provided to
5 every elector by California Elections Code sections 9295 and 13314 to seek a writ of mandate or an
6 injunction prior to the publication of the Voter Information Pamphlet, requiring any or all of the
7 materials submitted for publication in the Pamphlet to be amended or deleted;

8 (5) A brief description of the rules and procedures that govern the
9 submission, selection and publication of ballot arguments in the pamphlet, including a
10 statement explaining that each person entitled to submit a "Proponent's" or "Opponent's"
11 argument is chosen pursuant to the priority list stated in Section 545 of this Code;

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

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

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

20 (9) A sample ballot.

21 (b) Contents as to candidates:

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

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

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

5 (c) Contents as to measures:

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

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

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

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

11 (5) An explanation of how the measure qualified for submission to the voters;

12 (A) If the measure was submitted to the voters by the Board of Supervisors,
13 the explanation required by Subsection (c)(5) of this Section shall identify those Supervisors
14 who voted for submission of the measure and those Supervisors who voted against
15 submission of the measure,

16 (B) If the measure was submitted to the voters by four or more members of
17 the Board of Supervisors, the explanation required by Subsection (c)(5) of this Section shall
18 identify those Supervisors who submitted the measure,

19 (C) If the measure was submitted to the voters by initiative petition, the
20 explanation required by Subsection (c)(5) of this Section shall include the number of valid
21 signatures of registered San Francisco voters that were required to qualify the measure for
22 the ballot, and the date on which the Director of Elections certified that the measure qualified
23 for the ballot;

24 (6) The full text of each measure to be voted upon at the election; *and*
25

1 (7) The opponent, proponent, rebuttal and paid arguments, if any, for or
2 against each measure; ~~and~~.

3 (8) A disclaimer before any opponent, proponent or rebuttal argument for or
4 against any measure that is submitted by the Board of Supervisors or by one or more members of the
5 Board of Supervisors for or against any measure, stating, "The Board of Supervisors authorized the
6 submission of the following argument. As of the date of the publication of this Voter Information
7 Pamphlet, the following Supervisors endorse the measure [insert names of Supervisors who have by
8 5:00 p.m. on the deadline for the submission of proponent and opponent arguments set forth
9 in section 535 of this Code notified the Department of Elections in writing that they endorse the
10 measure]; oppose the measure [insert the names of Supervisors who have by 5:00 p.m. on the
11 deadline for the submission of proponent and opponent arguments set forth in section 535 of
12 this Code notified the Department of Elections in writing that they oppose the measure]; take no
13 position on the measure [insert the names of the Supervisors who have by 5:00 p.m. on the deadline
14 for the submission of proponent and opponent arguments set forth in section 535 of this Code
15 either failed to notify the Department of Elections that they support or oppose the measure or the
16 names of Supervisors who have notified the Department of Elections in writing that they have not
17 taken a position on the measure]." This disclaimer shall not be counted towards the number of words
18 permitted in each argument.

19 Measures, and the material specified in this Section relating to said measures,
20 shall be printed in the voter information pamphlet in the same order in which designated upon
21 the ballot.

22 The items specified in Subsection (c)(1) to (c)(5) of this Section shall be printed
23 together on the same page of the voter information pamphlet. This page shall be known as
24 the "ballot measure title page." The ballot measure title page shall also indicate: the page
25 number at which the full text of the measure is printed; the page number at which the

1 arguments for or against the measure are printed; and, if applicable the page number at which
2 the definitions of terms appearing on ballot measure title page are printed.

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

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

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9 Section 2. The San Francisco Municipal Elections Code is hereby amended by
10 amending Section 530, to read as follows:

11 **SEC. 530. BALLOT ARGUMENTS; PROCEDURES.**

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

14 (b) The Board of Supervisors, or any member or members of the Board of
15 Supervisors authorized by that body; the Mayor; any proponent of an initiative measure or a
16 referendum; any individual voter who is eligible to vote on the measure, or group of such
17 voters; or association or organization; or any combination thereof, may submit a written
18 argument for or against any measure for publication in the voter information pamphlet. When
19 the Board of Supervisors authorizes a member or members of that body to submit and sign a written
20 proponent or opponent argument for or against any measure for publication in the voter information
21 pamphlet, or assigns that right to another person pursuant to section 550 of this Code, the
22 Board shall provide such authorization by motion and need not take any further action, including
23 voting on or otherwise approving the actual text of the argument before it is submitted for publication.

24 No argument shall exceed 300 words in length.

1 (c) A ballot argument shall not be accepted unless accompanied by the
2 signature or signatures of the person or persons submitting it, or, if submitted on behalf of an
3 association or organization, the name of the association or organization and the signature of
4 at least one of its principal officers who is a registered San Francisco voter. The association or
5 organization submitting the argument must clearly indicate whether it wishes the name of the
6 officer submitting the argument to be printed as part of the argument. The names of additional
7 associations, organizations, or individuals who are registered San Francisco voters may be
8 submitted as co-authors of the argument. The names and titles of all co-authors, and the
9 name and title of any other person to be included in the text of the argument as printed in the
10 voter information pamphlet, shall be counted against the 300-word limit specified in Section
11 575 of this Article. Such names and titles shall be subject to the per-word fee specified in
12 Section 830 of this Code.

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

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20 Section 3. The San Francisco Municipal Elections Code is hereby amended by
21 amending Section 550, to read as follows:

22 **SEC. 550. PROPONENT AND OPPONENT ARGUMENTS; REBUTTALS;**
23 **ASSIGNMENT OF ARGUMENTS.**

24 (a) Upon selection of the "proponent's" argument for and "opponent's"
25 argument against a measure, the Director of Elections shall immediately send copies of both

1 to the persons whose arguments have been selected. The authors of the direct arguments
2 may each prepare and submit a rebuttal argument not to exceed 250 words. Rebuttal
3 arguments shall be printed in the same manner as the direct arguments and in a location
4 immediately following the appropriate direct arguments. If no direct argument is submitted in
5 support of or in opposition to a measure, the Director of Elections shall not accept or publish
6 any rebuttal argument.

7 (b) When the Board of Supervisors authorizes a member or members of that body to
8 submit and sign a rebuttal argument to any proponent or opponent argument for or against any
9 measure for publication in the voter information pamphlet, or assigns that right to another person
10 pursuant to section 550 of this Code, the Board shall provide such authorization by motion and
11 need not take any further action, including voting on or otherwise approving the actual text of the
12 rebuttal argument before it is submitted for publication.

13 (bc) A person who is entitled, pursuant to Section 545(a)(1)(A), (B) or (C), to
14 submit the proponent argument for a particular measure may assign the right to submit the
15 argument to another person, provided that the assignee is eligible to submit an argument
16 pursuant to Section 530(b) of this Code.

17 (ed) A person who is entitled, pursuant to Section 545(a)(2)(A), (B) or (C), to
18 submit the opponent argument for a particular measure may assign the right to submit the
19 argument to another person, provided that the assignee is eligible to submit an argument
20 pursuant to Section 530(b) of this Code.

21 (de) The author of a direct proponent or opponent argument may assign to
22 another person the right to submit a rebuttal argument, provided that the assignee is eligible
23 to submit an argument pursuant to Section 530(b) of this Code.

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

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3 By: 
4 CHAD A. JACOBS
Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 021996

Date Passed:

Ordinance amending sections 500, 530 and 550 of the San Francisco Municipal Elections Code to require the Director of Elections to publish in the Voter Information Pamphlet: (1) a description of every elector's right to seek a writ of mandate or an injunction requiring any or all of the materials in the Voter Information Pamphlet to be amended or deleted, and (2) a disclaimer at the beginning of each ballot measure argument and rebuttal authorized by the Board of Supervisors explaining which members of the Board of Supervisors endorse, oppose or have taken no position on the measure; and to clarify that when the Board of Supervisors authorizes a member or members of that body to submit a ballot measure argument or rebuttal, it shall do so by motion, and it need not take any further action, including voting on or otherwise approving the actual text of the argument or rebuttal.

March 18, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin,
Sandoval

Absent: 1 - Maxwell

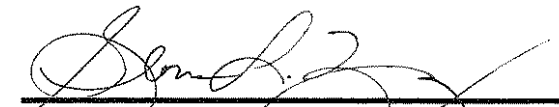
Excused: 1 - Daly

March 25, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval

File No. 021996


I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 25, 2003
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 03 2003

Date Approved



Mayor Willie L. Brown Jr.