

1 [Amendments to the Municipal Elections Code.]

2

3 **Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250,**  
 4 **260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270,**  
 5 **and delete Sections 555, 560, 565. 570, 585, 830 and 930 to: Conform the Municipal**  
 6 **Elections Code to recent changes in the Charter; change the deadlines for submission**  
 7 **of materials for publication in the Voter Information Pamphlet; specify the public**  
 8 **examination periods for each category of material submitted for publication in the**  
 9 **Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information**  
 10 **Pamphlet prior to each general and special election; specify language for inclusion in**  
 11 **the Voter Information Pamphlet concerning ballot measures which concern the same**  
 12 **subject matter and which may have conflicting provisions; explicitly incorporate the**  
 13 **State law that applies to local ballot designations; explicitly state the rules concerning**  
 14 **ballot printing after the death of a candidate; impose a 100-word limit on bond measure**  
 15 **statements; add definitions; correct outdated code references; codify departmental**  
 16 **practice; and clarify ambiguous language.**

17 Note: Additions are *single-underline italics Times New Roman*;  
 18 deletions are ~~*strikethrough italics Times New Roman*~~.  
 19 Board amendment additions are double underlined.  
 Board amendment deletions are ~~strikethrough normal~~.

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

21 Section 1. The San Francisco Municipal Elections Code, Article I, is hereby amended  
 22 by amending Section 110, to read as follows:

23 Sec. 110. DEFINITIONS.

24 Whenever the following terms are used in this Municipal Elections Code, these  
 25 definitions shall apply:

1 (a) "Measure" means an ordinance, charter amendment, referendum, recall,  
2 declaration of policy, or bond measure that will be voted on only in the City and County of San  
3 Francisco.

4 (b) "Signed and sworn statement" means a statement signed under penalty of perjury under  
5 the laws of the State of California, that includes the original signature of the signer. Facsimile or  
6 electronically produced or reproduced signatures are not original signatures for purposes of this  
7 Article.

8 (c) "Voter" means an individual who is registered to vote in the City and County of San  
9 Francisco.

10 Section 2. The San Francisco Municipal Elections Code, Article II, is hereby amended  
11 by amending Sections 200, 250 and 260, and adding Sections 225 and 270, to read as  
12 follows:

13 Sec. 200. NOMINATION AND RECALL OF ELECTIVE OFFICERS;  
14 INCORPORATION OF STATE LAW.

15 Except as otherwise provided by the Charter or this Municipal Elections Code,  
16 nomination of elective officers shall be made pursuant to California Elections Code Section  
17 10220 et seq., and the recall of elective officers shall be made pursuant to California Elections  
18 Code Section 11000 et seq. If the official proposed to be removed at a recall election is recalled,  
19 the vacancy shall be filled pursuant to Charter sections 3.100(14) and 13.101.5.

20 Sec. 225. BALLOT DESIGNATIONS.

21 The submission and form of ballot designations shall be governed by California Elections Code  
22 Section 13107 and any implementing regulations, rules or guidelines issued by the California Secretary  
23 of State.

24 Sec. 250. WITHDRAWAL OF NOMINATION; WITHDRAWAL OF SUPPORT.  
25

1 A nominator may withdraw his or her nomination of a candidate by notifying the  
2 candidate at least 72 hours before the close of the nomination period and filing with the Director of  
3 Elections, at any time up until 5:00 p.m. on the last day of the nomination period, a signed and  
4 sworn statement of withdrawal stating that the nominator provided the candidate with the required  
5 72 hours notice. at any time up until 5:00 p.m. of the last day of the nomination period. The signed and  
6 sworn statement of withdrawal shall indicate that the nominator informed the candidate, at least 72  
7 hours before the close of the nomination period, of the nominator's intent to withdraw. No nominator  
8 may withdraw his or her nomination of a candidate after 5:00 p.m. on the last day of the nomination  
9 period.

10 ~~In addition,~~ Supporters who are not nominators but who authorize use of their name in  
11 the candidate qualification statement may withdraw this authorization by filing with the Director  
12 of Elections a signed and sworn statement of withdrawal at any time up until 5:00 p.m. on ~~of~~  
13 the last day of the nomination period. No supporter may withdraw his or her authorization after  
14 5:00 p.m. on the last day of the nomination period.

15 Sec. 260. WITHDRAWAL OF CANDIDACY.

16 The name of every candidate who has been duly and regularly nominated shall be  
17 placed on the ballot under the title of the office for which he or she is a candidate, provided  
18 that a candidate whose nomination has been completed may withdraw as a candidate by filing  
19 a signed and sworn statement of withdrawal with the Director of Elections no fewer than 67  
20 days before the election. No candidate may withdraw as a candidate after 5:00 p.m. on the 67<sup>th</sup> day  
21 before the date of the election.

22 Sec. 270. DEATH OF CANDIDATE.

23 The Director of Elections shall not print a candidate's name upon the ballot or the candidate's  
24 Candidate Qualification Statement in the Voter Information Pamphlet if, before 5:00 p.m. on the 67<sup>th</sup>  
25 day before the date of the election, the Director ascertains that the candidate has died. If the Director

1 ascertains after 5:00 p.m. on the 67<sup>th</sup> day before the date of the election that the candidate has died, the  
2 Director shall print the candidate's name on the ballot and the candidate's Candidate Qualification  
3 Statement in the Voter Information Pamphlet, provided that the candidate's declaration of candidacy  
4 otherwise complied with all legal requirements.

5 Section 3. The San Francisco Municipal Elections Code, Article III, is hereby amended  
6 by amending Sections 300, 360 and 370, to read as follows:

7 Sec. 300. DEADLINES FOR SUBMISSION OF MEASURES.

8 (a) Charter Amendments and Bond Measures. Except as provided in Subsection (c) of  
9 this Section, proposed Charter amendments and bond measures shall be submitted to the  
10 voters at the next election held no fewer than 102 days after the date said measure is  
11 received by the Director of Elections.

12 The ~~Director of Elections shall have the discretion to submit to the voters~~ Board of Supervisors  
13 may submit, and the Director of Elections shall have the discretion to accept, one proposed Charter  
14 amendment or bond measure per election that is received fewer than 102 days before the  
15 date of the election, provided that said measure is received no fewer than 95 days before the  
16 date of the election.

17 (b) Measures Submitted by the Mayor, Board of Supervisors, or Four or More Supervisors.  
18 ~~Measures~~ Ordinances and declarations of policy proposed by a majority of the Board of  
19 Supervisors or by four or more Supervisors pursuant to Charter Section 2.113, or by the  
20 Mayor pursuant to Charter Section 3.100(15), shall be submitted to the voters at the next  
21 election held no fewer than 90 days after the date said measure is transmitted to the Director  
22 of Elections.

23 (c) Measures Proposed by Initiative Petition. Measures proposed by initiative petition  
24 pursuant to Charter Sections 14.101 or 9.110 and Charter amendments proposed by initiative  
25 petition shall be submitted to the voters upon certification of the sufficiency of the petition

1 signatures by the Director of Elections. An initiative petition shall be submitted to the Director  
2 of Elections no fewer than 120 days before the date of the election for which the initiative is  
3 intended. The Director of Elections shall certify the sufficiency of the petition signatures, or  
4 determine the insufficiency of the signatures, no later than 30 days after the date the petition  
5 is received.

6 (1) Except as provided in Subdivisions (2) and (3) of this subsection, a vote on an  
7 initiative shall occur at the next general municipal or Statewide election occurring no fewer  
8 than 90 days from the date of the certificate of sufficiency executed by the Director of  
9 Elections. Any initiative petition that is certified by the Director of Elections to contain the  
10 requisite number of valid signatures, but that is certified within 90 days of an election, shall *not*  
11 be placed on the ballot for that election but shall be placed on the ballot at the next general  
12 municipal or Statewide election.

13 (2) The Director of Elections shall call for a special municipal election on an initiative  
14 if the initiative petition complies with the requirements of Charter Section 14.101.

15 (3) The Board of Supervisors may call for a special municipal election on an  
16 initiative pursuant to Charter Section 14.101, provided that the special election occurs no  
17 fewer than 90 days from the date the certificate of sufficiency is executed by the Director of  
18 Elections.

19 Sec. 360. MEASURES CONCERNING THE SAME SUBJECT MATTER; COMPETING  
20 AND CONFLICTING MEASURES; COMPLEMENTARY MEASURES.

21 When two or more proposed measures concern the same subject matter, the Director of  
22 Elections shall publish in the Voter Information Pamphlet the following statement on the ballot  
23 measure title page for each of the measures:

24  
25

1 Propositions () and () concern the same subject matter. If both measures are adopted by  
2 the voters, and if there is a conflict between provisions of the two measures, then some or  
3 all of the measure approved by fewer votes would not go into effect.

4 ~~When two or more proposed measures are of the same general purpose, the Director of~~  
5 ~~Elections shall so declare. If there is a conflict between two or more such measures adopted at~~  
6 ~~the same election, then the measure receiving the highest affirmative vote shall prevail.~~

7 In case two or more measures adopted at the same election have conflicting  
8 provisions and are tied for the highest vote, they shall be resubmitted at the next ensuing  
9 general election.

10 Sec. 370. WITHDRAWAL OF MEASURES.

11 (a) Measures Proposed by the Mayor or Board of Supervisors. Measures proposed by  
12 the Mayor or Board of Supervisors pursuant to Section 300(a) or (b) of this Article may be  
13 withdrawn at any time up until and including the legal deadline for submission of the measure  
14 to the Director of Elections. The Mayor and Board of Supervisors cannot withdraw measures after  
15 the legal deadline for submission of the measure to the Director of Elections.

16 (b) Measures Proposed by Four or More Supervisors.

17 (1) Unanimous Withdrawal. Measures proposed by four or more members of the  
18 Board of Supervisors pursuant to Section 300(b) of this Article may be withdrawn at any time up  
19 until and including the legal deadline for submission of the measure to the Director of Elections if each  
20 of the Supervisors who submitted the measure files with the Director of Elections a signed and sworn  
21 statement of withdrawal before the legal deadline for submission of the measure. The four or more  
22 Supervisors who submitted the measure cannot withdraw the measure after the legal deadline for  
23 submission of the measure to the Director of Elections.

24 (2) Withdrawal of Support by One or More Supervisors. Measures proposed by four or  
25 more members of the Board of Supervisors pursuant to Section 300(b) of this Article shall be

1 withdrawn if one or more *of the* Supervisors withdraw their support for the proposed measure,  
2 and following this withdrawal fewer than four Supervisors continue to support the proposed  
3 measure. For purposes of this subsection, a Supervisor may withdraw his or her support for a  
4 measure by filing with the Director of Elections a signed and sworn statement of withdrawal at  
5 any time up until 72 hours before the legal deadline for submission of the measure to the  
6 Director of Elections. Following such a withdrawal, additional members of the Board of  
7 Supervisors may join in support of the proposed measure provided that they do so *in writing*  
8 before the legal deadline for submission of the measure to the Director of Elections. *No*  
9 *Supervisor may withdraw his or her support for a measure pursuant to this subsection if fewer than 72*  
10 *hours remain before the legal deadline for submission of the measure to the Director of Elections.*

11 (c) *Initiatives.* Once submitted to the Department of Elections, measures proposed  
12 by initiative petition may not be withdrawn.

13 Section 4. The San Francisco Municipal Elections Code, Article V, is hereby amended  
14 by amending Sections 500, 510, 530, 535, 550, 590 and 595, and deleting Sections 555, 560,  
15 565, 570 and 585, to read as follows:

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

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

- 21 (a) General contents:
- 22 (1) A table of contents;
- 23 (2) An index of candidates and measures;
- 24 (3) A brief explanation of the purpose and use of the pamphlet;
- 25

1 (4) A summary of voters' rights, including a description of the right provided to every  
2 elector by California Elections Code sections 9295 and 13314 to seek a writ of mandate or an  
3 injunction prior to the publication of the Voter Information Pamphlet, requiring any or all of the  
4 materials submitted for publication in the Pamphlet to be amended or deleted;

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

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

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

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

17 (9) A sample ballot.

18 (b) Contents as to candidates:

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

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

23 (3) Any notice required by the Campaign Finance Reform Ordinance, *Administrative*  
24 *Code Section 16.510-3*, or the Political Reform Act, Government Code Section 85600 ~~85601~~ *et*  
25



1 ~~see~~, informing voters whether the candidate has adopted the applicable voluntary expenditure  
2 ceiling.

3 (c) Contents as to measures:

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

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

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

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

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

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

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

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

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

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

23 (8) A disclaimer before any opponent, proponent or rebuttal argument that is  
24 submitted by the Board of Supervisors or by one or more members of the Board of  
25 Supervisors for or against any measure, stating, "The Board of Supervisors authorized the

1 submission of the following argument. As of the date of the publication of this Voter  
2 Information Pamphlet, the following Supervisors endorse the measure [insert names of  
3 Supervisors who have by 5:00 p.m. on the deadline for the submission of proponent and  
4 opponent arguments set forth in section 535 of this Code notified the Department of Elections  
5 in writing that they endorse the measure]; oppose the measure [insert the names of  
6 Supervisors who have by 5:00 p.m. on the deadline for the submission of proponent and  
7 opponent arguments set forth in section 535 of this Code notified the Department of Elections  
8 in writing that they oppose the measure]; take no position on the measure [insert the names of  
9 the Supervisors who have by 5:00 p.m. on the deadline for the submission of proponent and  
10 opponent arguments set forth in section 535 of this Code either failed to notify the Department  
11 of Elections that they support or oppose the measure or notified the Department of Elections  
12 in writing that they have not taken a position on the measure]." This disclaimer shall not be  
13 counted towards the number of words permitted in each argument.

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

17 The items specified in Subsection (c)(1) to (c)(5) of this Section shall be printed  
18 together on the same page of the voter information pamphlet. This page shall be known as  
19 the "ballot measure title page." The ballot measure title page shall also indicate: the page  
20 number at which the full text of the measure is printed; the page number at which the  
21 arguments for or against the measure are printed; and, if applicable the page number at which  
22 the definitions of terms appearing on ballot measure title page are printed.

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

25

1 The voter information pamphlet shall be mailed to each registered San Francisco voter  
2 ~~so as to be received~~ at least 21 ~~10~~ days prior to each general, ~~runoff~~ or special municipal  
3 election.

4 Sec. 510. CITY ATTORNEY STATEMENT OR QUESTION.

5 (a) Format. *Except as provided in subsection (c) of this section,* ~~t~~The City Attorney shall  
6 prepare a general statement of any ballot measure to be submitted to the voters, followed by  
7 the words "yes" and "no," so arranged that voters may indicate a choice upon the ballot. The  
8 general statement or question shall not exceed 30 words, except where the subject measure  
9 is unusually complex, in which case the general statement or question shall not exceed 100 words.

10 (b) Deadline. The general question or statement for any measure<sup>3</sup> shall be  
11 transmitted to the Director of Elections no fewer than 85 days prior to the election to which it  
12 relates, for printing and inclusion in the voter information pamphlet.

13 (c) Bond Measures. *The City Attorney shall not prepare the general statement of a bond*  
14 *measure where the Board of Supervisors approves a general statement of the measure by ordinance or*  
15 *resolution. The general statement of a bond measure shall not exceed 100 words.*

16 Sec. 530. BALLOT ARGUMENTS; PROCEDURES.

17 (a) Rules for Submission. These procedures shall govern the submission and  
18 publication of ballot arguments for or against any measure submitted to the voters.

19 (b) Authorship. The Board of Supervisors, or any member or members of the Board  
20 of Supervisors authorized by that body; the Mayor; any proponent of an initiative measure or a  
21 referendum; any individual voter who is eligible to vote on the measure, or group of such  
22 voters; or association or organization; or any combination thereof, may submit a written  
23 argument for or against any measure for publication in the voter information pamphlet. When  
24 the Board of Supervisors authorizes a member or members of that body to submit and sign a  
25 written proponent or opponent argument for or against any measure for publication in the

1 voter information pamphlet, or assigns that right to another person pursuant to section 550 of  
2 this Code, the Board shall provide such authorization by motion and need not take any further  
3 action, including voting on or otherwise approving the actual text of the argument before it is  
4 submitted for publication. ~~No argument shall exceed 300 words in length.~~

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

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

23 Sec. 535. BALLOT ARGUMENTS; DEADLINES FOR SUBMISSION, CORRECTION,  
24 AND WITHDRAWAL.

25

1 (a) Proponent and Opponent Arguments. Ballot arguments submitted for selection as  
2 the "proponent's" argument for or "opponent's" argument against a measure as provided in  
3 Section 545 must be submitted to the Director of Elections no later than noon of the eightieth  
4 ~~seventy-seventh~~ day prior to the election at which the measure is to be voted upon.

5 (b) Rebuttal Arguments. Rebuttal arguments as provided for in Section 550 must be  
6 submitted to the Director of Elections no later than noon of the seventy-sixth ~~seventieth~~ day prior  
7 to the election at which the measure is to be voted upon.

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

11 ~~(d)~~ Modification or Withdrawal of Submitted Arguments. Arguments may be changed or  
12 withdrawn by the persons submitting them at any time up to and including the last day for  
13 submission. No person may change an argument, except as provided in subsection (d), and no person  
14 may withdraw an argument, after the deadline for submission of the argument.

15 ~~(e)~~(d) Correction of Submitted Arguments. Grammatical, ~~and~~ spelling and factual errors  
16 contained in an argument may be corrected by the person submitting the argument at any  
17 time up until noon of the seventy-fifth ~~sixty-eighth~~ day prior to the election. For purposes of this  
18 subsection, the determination of what constitutes a grammatical, ~~or~~ spelling or factual error  
19 shall be made by the Director of Elections. No person may correct grammatical, spelling or  
20 factual errors contained in an argument after noon of the seventy-fifth day prior to the election.

21 Sec. 550. PROPONENT AND OPPONENT ARGUMENTS; REBUTTALS;  
22 ASSIGNMENT OF ARGUMENTS.

23 (a) Exchange of Proponent and Opponent Arguments. Upon selection of the  
24 "proponent's" argument for and "opponent's" argument against a measure, the Director of  
25 Elections shall immediately send copies of both to the persons whose arguments have been

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

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

12 (c) Assignment of Proponent and Opponent Arguments. A person who is entitled,  
13 pursuant to Section 545(a)(1)(A), (B) or (C) or Section 545(a)(2)(A), (B) or (C), to submit the  
14 proponent or opponent 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 ~~(d) — A person who is entitled, pursuant to Section 545(a)(2)(A), (B) or (C), to submit the~~  
18 ~~opponent argument for a particular measure may assign the right to submit the argument to another~~  
19 ~~person, provided that the assignee is eligible to submit an argument pursuant to Section 530(b) of this~~  
20 ~~Code.~~

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

24 ~~SEC. 555. PROPONENT AND OPPONENT ARGUMENTS; SUBMISSION AS PAID~~  
25 ~~ARGUMENTS.~~

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

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

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

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

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

17           ~~(a) — The author of any ballot argument otherwise complying with the provisions of this~~  
18 ~~Article may submit a petition containing signatures in lieu of the publication fee required under Section~~  
19 ~~830. Any registered voter of the City and County may sign an in-lieu petition for an argument for or~~  
20 ~~against a measure. Each signature shall reduce the amount of the publication fee by the amount~~  
21 ~~specified in Section 840 of this Code. A voter may sign both an initiative or referendum petition and an~~  
22 ~~in-lieu publication fee petition; the petitions, however, must be separate documents.~~

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

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

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

12           ~~SEC. 570. SIGNATURES SUBMITTED IN LIEU OF BALLOT ARGUMENT FEE;~~  
13 ~~PROCEDURES.~~

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

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



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

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

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

16           ~~SEC. 585. PUBLICATION OF ARGUMENTS IN VOTER INFORMATION~~  
17 ~~PAMPHLET; PUBLICATION OF TRUE SOURCE OF FUNDS.~~

18           ~~In the event that an argument has been prepared and submitted in compliance with this~~  
19 ~~Article, the Director of Elections shall publish the argument in the voter information pamphlet.~~  
20 ~~Immediately following each paid ballot argument in the voter information pamphlet, the Director of~~  
21 ~~Elections shall include a statement disclosing the name of the individual or entity that is the true source~~  
22 ~~of the funds used for publication of that argument. In addition, if the true source of funds is a recipient~~  
23 ~~political committee pursuant to California Government Code Section 82013(a), the Director of~~  
24 ~~Elections shall publish a statement disclosing the names of the three largest contributors to that~~  
25 ~~committee, as provided to the Department of Elections pursuant to Section 560 of this Code.~~

1           Sec. 590. VOTER INFORMATION PAMPHLET; PUBLIC EXAMINATION.

2           California Elections Code Sections 9295 and 13313 require that certain materials submitted for  
3 publication in the voter information pamphlet shall be subject to a 10-day public examination period.  
4 The public examination period for each category of material is specified below, and commences one  
5 day after the deadline for submitting that material to the Department of Elections and ends ten days  
6 later. Following the close of the public examination period for each category of material, the  
7 Department of Elections may proceed with publication of that material.

8           (a) Candidate Materials.

9           (1) Candidate Qualification Statements. Candidate qualification statements submitted  
10 pursuant to Section 220 of this Article shall be available for public examination starting no later than  
11 noon on the eighty-seventh day prior to the election. The public examination period shall end at noon  
12 on the seventy-seventh day prior to the election.

13           (2) Ballot Designations. Candidate ballot designations submitted pursuant to Section 225  
14 of this Article shall be available for public examination starting no later than noon on the eighty-  
15 seventh day prior to the election. The public examination period shall end at noon on the seventy-  
16 seventh day prior to the election.

17           (b) Ballot Measure Materials.

18           (1) Controller Statements. Statements prepared by the Controller pursuant to section 520 of  
19 this Article shall be available for public examination starting no later than noon on the eighty-fourth  
20 day prior to the election. The public examination period shall end at noon on the seventy-fourth day  
21 prior to the election.

22           (2) City Attorney Statements or Questions. Statements or questions prepared by the City  
23 Attorney pursuant to section 510 of this Article shall be available for public examination starting no  
24 later than noon on the eighty-fourth day prior to the election. The public examination period shall end  
25 at noon on the seventy-fourth day prior to the election.

1           (3) Proponent and Opponent Arguments. Proponent and opponent arguments submitted  
2 pursuant to section 535(a) of this Article shall be available for public examination starting no later  
3 than noon on the seventy-ninth day prior to the election. The public examination period shall end at  
4 noon on the sixty-ninth day prior to the election.

5           (4) Rebuttal Arguments. Rebuttal arguments submitted pursuant to section 535(b) of this  
6 Article shall be available for public examination starting no later than noon on the seventy-fifth day  
7 prior to the election. The public examination period shall end at noon on the sixty-fifth day prior to the  
8 election.

9           (c) Other Materials. For all other materials submitted for publication in the voter  
10 information pamphlet that are subject to a 10-day public examination period pursuant to California  
11 Elections Code Sections 9295 and 13313, but for which an examination period is not specified by this  
12 Section, the examination period shall commence no later than noon on the sixty-ninth day prior to the  
13 election and shall end at noon on the tenth day after the date of commencement.

14           ~~For all materials to be placed in the voter information pamphlet for an election, the 10-day~~  
15 ~~period for public examination of election materials related to that election provided for in California~~  
16 ~~Elections Code Section 9295 shall commence no later than noon on the sixty-ninth day prior to said~~  
17 ~~election.~~

18           Sec. 595. VOTER INFORMATION PAMPHLET TO CONTAIN INFORMATION ON  
19 ENGLISH LANGUAGE CLASSES.

20           (a) It is the City's policy to urge and encourage all individuals who cannot speak  
21 English to take English language ~~these~~ courses, and thereby enhance their ability to participate  
22 in and contribute to the process of deliberation vital to the democratic process.

23           (b) The Director of Elections is directed, in those instances in which a separate  
24 ballot pamphlet or pamphlets in a foreign language are distributed, to place in such  
25 pamphlets, in the corresponding language, information as to the time, place, nature and

1 telephone numbers of free English language classes in public and private schools and  
2 agencies in the City.

3 Section 5. The San Francisco Municipal Elections Code, Article VIII, is hereby  
4 amended by amending Section 800 and deleting section 830, as follows:

5 Sec. 800. CHARTER AUTHORIZATION.

6 The fees imposed by this Article are adopted pursuant to Charter Section 13.109.  
7 ~~These fees shall not become operative until January 1, 1998.~~

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

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

12 Section 6. The San Francisco Municipal Elections Code, Article IX, is hereby amended  
13 by deleting Section 930, as follows:

14 ~~SEC. 930. VACANCY RESULTING FROM RECALL.~~

15 ~~If the official proposed to be removed at a recall election is recalled, the mayor shall appoint a~~  
16 ~~successor pursuant to Charter Sections 2.102, 3.100(14), and 6.107.~~

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

20

21 By: \_\_\_\_\_  
22 Claire M. Sylvia  
23 Deputy City Attorney

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