

LEGISLATIVE DIGEST

[Municipal Elections Code - Proponent's and Opponent's Ballot Arguments]

Ordinance amending the Municipal Elections Code to prohibit any person from submitting more than one ballot argument per measure for selection as either the proponent's argument or opponent's argument; and to require each author of a proposed proponent's or opponent's ballot argument to swear that the author is not an official or paid advocate for the contrary position.

Existing Law

For each local measure on the San Francisco ballot, the Department of Elections selects a "proponent's argument" and an "opponent's argument" to be printed in the Voter Information Pamphlet at no cost to the author. The Municipal Elections Code provides that certain people and officials have first priority to submit proponent's and opponent's arguments. If neither the official proponent of a voter-initiated measure, the Board of Supervisors, nor the Mayor submits an argument as the proponent's or opponent's argument, then the Department of Elections randomly selects the arguments from those submitted by other members of the public. Current law permits a person to submit an unlimited number of ballot arguments for selection as the proponent's argument or opponent's argument.

Current law permits a person to submit a ballot argument for selection as the proponent's argument or opponent's argument even if the person plays an active role in supporting a contrary position. For example, there is no prohibition on the official proponent of an initiative ordinance submitting a satirical ballot argument for selection as the opponent's argument.

Amendments to Current Law

The proposal would amend the Municipal Elections Code to prohibit any person from submitting more than one ballot argument per measure for selection as either the proponent's argument or opponent's argument. In addition, the proposal would require each author of a proposed proponent's or opponent's ballot argument to swear under penalty of perjury that the author is not an official or paid advocate for the contrary position. Specifically, each author of a proposed proponent's argument would have to swear that he or she: (1) is not a treasurer, officer, or member of a committee that has plans to make expenditures in opposition to a measure; (2) has not received or has been promised any compensation or thing of value from such a committee to perform consulting services for that committee; or (3) has not authorized his or her name or likeness to appear on campaign literature or in advertising that advocates for the defeat of a measure.

Similarly, each author of a proposed opponent's argument would have to swear that he or she: (1) is not a treasurer, officer, or member of a Committee that has made or plans to make expenditures in support of the measure; (2) has not received or has been promised any compensation or thing of value from such a Committee to perform consulting services for that Committee; (3) has not authorized his or her name or likeness to appear on campaign literature or in advertising that advocates for the adoption of the measure; or (4) who, with respect to an initiative or referendum petition, is not the official proponent of the initiative or referendum petition.

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