

File No. 140341

Committee Item No. 1

Board Item No. 36

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Rules

Date June 5, 2014

Board of Supervisors Meeting

Date JUNE 24, 2014

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report         |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report. |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                         |

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Completed by: Alisa Miller Date May 30, 2014

Completed by: Monica Guzman Date June 11, 2014

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

2  
3 **Ordinance amending the Municipal Elections Code to prohibit any person from**  
4 **submitting more than one ballot argument per measure for selection as either the**  
5 **proponent's argument or opponent's argument; and to require each author of a**  
6 **proposed proponent's or opponent's ballot argument to swear that the author is not an**  
7 **official or paid advocate for the contrary position.**

8  
9 **NOTE: Unchanged Code text and uncodified text are in plain Arial font.**  
10 **Additions to Codes are in single-underline italics Times New Roman font.**  
11 **Deletions to Codes are in ~~strikethrough italics Times New Roman font.~~**  
12 **Board amendment additions are in double-underlined Arial font.**  
13 **Board amendment deletions are in ~~strikethrough Arial font.~~**  
14 **Asterisks (\* \* \* \*) indicate the omission of unchanged Code**  
15 **subsections or parts of tables.**

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

17 Section 1. The Municipal Elections Code is hereby amended by revising Sections 530,  
18 535, and 545 to read as follows:

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

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

22 (b) Authorship. Subject to the provisions of Section 535, ~~the~~ Board of Supervisors, or  
23 any member or members of the Board of Supervisors authorized by that body; the Mayor; any  
24 proponent of an initiative measure or a referendum; any individual voter who is eligible to vote  
25 on the measure, or group of such voters; or association or organization; or any combination

1 thereof, may submit a written argument for or against any measure for publication in the voter  
2 information pamphlet. When the Board of Supervisors authorizes a member or members of  
3 that body to submit and sign a written proponent's or opponent's argument for or against any  
4 measure for publication in the voter information pamphlet, or assigns that right to another  
5 person pursuant to Section 550 of this Code, the Board shall provide such authorization by  
6 motion and need not take any further action, including voting on or otherwise approving the  
7 actual text of the argument before it is submitted for publication.

8 (c) Form. To ensure that all ballot arguments are filed in a uniform format, the  
9 arguments shall be submitted in a manner specified by the Director of Elections.

10 (d) Authorization Signatures Required. A ballot argument shall not be accepted  
11 unless accompanied by the signature or signatures of the person or persons submitting it, or,  
12 if submitted on behalf of an association or organization, the name of the association or  
13 organization and the signature of at least one of its principal officers who is a registered San  
14 Francisco voter. The association or organization submitting the argument must clearly indicate  
15 whether it wishes the name of the officer submitting the argument to be printed as part of the  
16 argument. The names of additional associations, organizations, or individuals who are  
17 registered San Francisco voters may be submitted as co-authors of the argument. The names  
18 and titles of all co-authors, and the name and title of any other person to be included in the  
19 text of the argument as printed in the voter information pamphlet, shall be counted against the  
20 300-word limit specified in Section 575 of this Article. Such names and titles shall be subject  
21 to the per-word fee specified in Section 830 of this Code.

22 (e) Consent Required. A ballot argument which includes in its text the name of a  
23 individual or entity, other than a co-author of the argument, which is represented as being for  
24 or against a measure, or which is represented as supporting, opposing, or endorsing the  
25 views expressed in the argument, shall not be accepted unless the argument is accompanied

1 by a statement of consent signed by such individual or entity. The consent of an entity shall be  
2 signed by an officer or other duly authorized representative.

3  
4 **SEC. 535. BALLOT ARGUMENTS; DEADLINES FOR SUBMISSION,**  
5 **CORRECTION, AND WITHDRAWAL.**

6 (a) Definitions. For purposes of Section 535 and 545, the following definitions shall apply:

7 “Author” means the Person whose name appears in italics after the text of a ballot  
8 argument in the voter information pamphlet, to signify that the ballot argument is attributed to that  
9 Person. There may be more than one Author for a single ballot argument.

10 “Committee” has the same meaning as set forth in the California Political Reform Act,  
11 California Government Code section 82013.

12 “Non-supporter” means any Person who, with respect to a measure:

13 (1) is a treasurer, officer, or member of a committee that has made or plans to  
14 make expenditures in opposition to a measure;

15 (2) has received or has been promised any compensation or thing of value from  
16 such a committee to perform consulting services for that committee; or

17 (3) has authorized his or her name or likeness to appear on campaign literature  
18 or in advertising that advocates for the defeat of a measure.

19 “Person” means any registered San Francisco voter, group of registered San Francisco  
20 voters, association or organization, or combination thereof. An association or organization must have  
21 at least one principal officer who is a registered San Francisco voter.

22 “Supporter” means any Person who, with respect to a measure:

23 (1) is a treasurer, officer, or member of a Committee that has made or plans to  
24 make expenditures in support of the measure;

1                   (2) has received or has been promised any compensation or thing of value from  
2 such a Committee to perform consulting services for that Committee;

3                   (3) has authorized his or her name or likeness to appear on campaign literature  
4 or in advertising that advocates for the adoption of the measure; or

5                   (4) who, with respect to an initiative or referendum petition, is the official  
6 proponent of the initiative or referendum petition.

7           ~~(a)~~ (b) Proponent's and Opponent's Arguments.

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

12                   (2) Each Author of a ballot argument submitted for selection as the proponent's  
13 argument shall attest under penalty of perjury on a form provided by the Director of Elections that the  
14 Author is not a Non-supporter of the measure to which the ballot argument pertains. Each Author of a  
15 ballot argument submitted for selection as the opponent's argument shall attest under penalty of  
16 perjury on a form provided by the Director of Elections that the Author is not a Supporter of the  
17 measure to which the ballot argument pertains.

18                   (3) No Person may submit more than one ballot argument per measure for  
19 selection as either the opponent's argument or proponent's argument.

20           ~~(b)~~ (c) Rebuttal Arguments. Rebuttal arguments as provided for in Section 550 must  
21 be submitted to the Director of Elections no later than noon of the seventy-eighth day prior to  
22 the election at which the measure is to be voted upon.

23           ~~(e)~~ (d) Paid Arguments. Ballot arguments submitted for publication as paid  
24 arguments for or against a measure as provided for in Section 560 must be submitted to the  
25

1 Director of Elections no later than noon of the seventy-eighth day prior to the election at which  
2 the measure is to be voted upon.

3 ~~(d)~~ (e) Modification or Withdrawal of Submitted Arguments. Arguments may be  
4 changed or withdrawn by the pPersons submitting them at any time up to and including the  
5 last day for submission. No pPerson may change an argument, except as provided in  
6 Subsection (ef), and no pPerson may withdraw an argument, after the deadline for submission  
7 of the argument.

8 (e) (f) Correction of Submitted Arguments. Grammatical, spelling and factual errors  
9 contained in a proponent's or opponent's argument may be corrected by ~~the person submitting~~  
10 any Author of the argument at any time up until noon of the eighty-first day prior to the election.  
11 Grammatical, spelling and factual errors contained in a rebuttal argument may be corrected by  
12 ~~the person submitting any Author of~~ the argument at any time up until noon of the seventy-  
13 seventh day prior to the election. Grammatical, spelling and factual errors contained in a paid  
14 argument may be corrected by ~~the person submitting any Author of~~ the argument at any time up  
15 until noon of the seventy-seventh day prior to the election. For purposes of this Subsection (f),  
16 the determination of what constitutes a grammatical, spelling or factual error shall be made by  
17 the Director of Elections. No pPerson may correct grammatical spelling or factual errors  
18 contained in an argument after the deadline specified in this Subsection.

19  
20 **SEC. 545. PROPONENT'S AND OPPONENT'S ARGUMENTS; SELECTION IF**  
21 **MORE THAN ONE SUBMITTED.**

22 (a) ~~In the event~~ If more than one argument is submitted for selection as the  
23 "proponent's" argument for or "opponent's" argument against any measure, the Director of  
24 Elections shall no later than 2:00 p.m. on the eighty-second day prior to the election select the  
25 argument to be published according to the order of priority shown herein.

1 (1) Arguments supporting a measure:

2 (A) The proponent of an initiative petition; or the Mayor, the Board of  
3 Supervisors or four members of the Board of Supervisors if the measure is submitted by the  
4 same;

5 (B) The Board of Supervisors, or any member or members designated by  
6 motion of the Board;

7 (C) The Mayor;

8 (D) Any individual registered San Francisco voter, group of registered San  
9 Francisco voters, association or organization, or combination thereof.

10 (2) Arguments opposing a measure:

11 (A) In the case of a referendum, the person who files a referendum petition with  
12 the Board of Supervisors;

13 (B) The Board of Supervisors, or any member or members designated by  
14 motion of the Board;

15 (C) The Mayor;

16 (D) Any individual registered San Francisco voter, group of registered San  
17 Francisco voters, association or organization, or combination thereof.

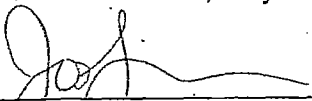
18 (b) If more than one argument is submitted for or against a measure at any given  
19 level of priority *as specified in subsection (a)* and no argument entitled to higher priority is  
20 submitted, the Director of Elections shall select the "proponent's" or "opponent's" argument  
21 by lot from among all arguments at the highest level of priority. *A Person's name shall not be not*  
22 *be listed as an Author on more than one ballot argument per measure that is submitted for selection as*  
23 *either the opponent's argument or proponent's argument.*

1 Section 2. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

5  
6 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the "Note" that appears under  
11 the official title of the ordinance.

12  
13  
14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By:

  
17 JOSHUA S. WHITE  
18 Deputy City Attorney

19 n:\legana\as2014\1400445\00932518.doc



**LEGISLATIVE DIGEST**  
(6/5/2014, Amended in Committee)

[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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**SAN FRANCISCO CHAMBER OF COMMERCE**

005-11  
Mayor Lee  
epage  
File 140341

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
JUN -3 PM 2:46

June 3, 2014

Mr. David Chiu, President  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 04102

RE: SUPPORT: File #140341, Municipal Elections Code - Proponent's and Opponent's Ballot Arguments

Dear President Chiu,

The San Francisco Chamber of Commerce, representing over 1,500 local businesses, supports Supervisor Wiener's proposed ordinance (File #140341) to prohibit any person from submitting more than one argument per San Francisco ballot measure for selection as either the official proponent's argument or opponent's argument in the San Francisco Ballot Handbook. The ordinance also requires each author of a proposed official proponent's or opponent's ballot argument to swear that the author is not an official or paid advocate for the contrary position.

Currently anyone can submit arguments for the official proponent's and opponent's arguments that are selected by a lottery system to appear in the ballot handbook. Multiple arguments may be submitted by an individual, even if that individual is on record in opposition to the arguments submitted. In the most recent San Francisco election, the official opponent's argument that was selected by lottery for a local ballot measure was written by a person who was leading the proponent's side and who had submitted multiple arguments in order to ensure his would be selected. By current law this was permitted, but in our view was a misuse of the system in order to confuse voters into voting a particular way on the measure.

San Francisco voters look to the ballot handbook for information in order to make informed voting choices on local measures. It is important that the integrity of San Francisco's voting system and the materials provided to voters for this purpose be maintained.

The San Francisco Chamber of Commerce supports Supervisor Wiener's legislation because it will help ensure the ballot handbook is not used in a manner that misleads voters. We urge the Board of Supervisors to support it as well.

Sincerely,

Jim Lazarus  
Senior Vice President of Public Policy

cc: Clerk of the Board of Supervisors - please distribute to all Supervisors; Mayor Ed Lee

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: John Arntz, Director, Department of Elections

FROM: Alisa Miller, Clerk, Rules Committee  
Board of Supervisors

DATE: May 6, 2014

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Wiener on April 8, 2014. This matter is being referred to your department for informational purposes.

**File No. 140341**

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.

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note:** For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

**Sponsor(s):**

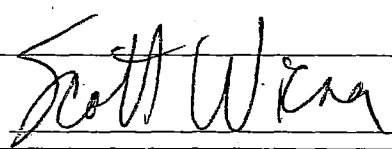
Wiener

**Subject:**

Municipal Elections Code – Proponent’s and Opponent’s Ballot Arguments

**The text is listed below or attached:**

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.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

140341

