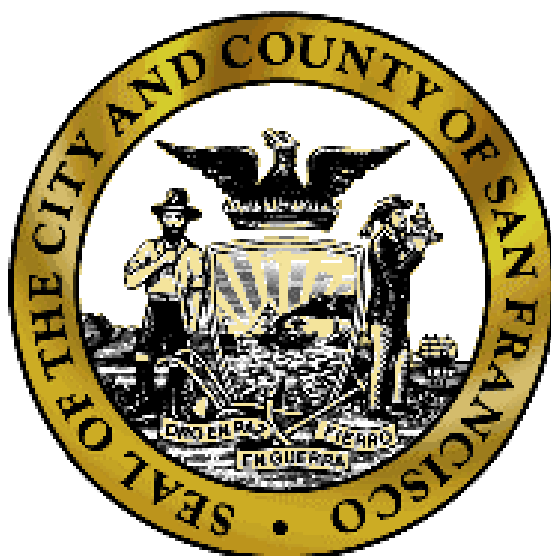


**GUIDE TO QUALIFYING
SAN FRANCISCO
INITIATIVE CHARTER AMENDMENTS**



**CONSOLIDATED PRIMARY ELECTION
JUNE 6, 2006**

**DEPARTMENT OF ELECTIONS
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102**



INTRODUCTION

This guide summarizes the procedures and requirements for qualifying Charter Amendments, through the initiative process, for the **June 6, 2006** election. This guide does not have the force and effect of law, regulation, or rule, and interested parties should not rely on this guide as a substitute for consulting with an attorney. If there is a conflict between this guide and any applicable law, regulation, or rule, the law, regulation or rule applies. The San Francisco Charter and San Francisco Municipal Elections Code are available online at www.amlegal.com. The California Elections Code is available online at www.leginfo.ca.gov/calaw.html.

This guide applies only to the qualification of initiative *Charter Amendments* for San Francisco. For information on how to qualify an initiative *ordinance or declaration of policy* for the San Francisco ballot, see the Department of Elections' *Guide for Qualifying Initiative Ordinances and Declarations of Policy*. For information about the State (rather than local) initiative process, see the California Secretary of State's *California Ballot Initiative Manual*. Copies of this manual are available from the Secretary of State at 1500 11th Street, 6th Floor, Sacramento, CA 95814.

For each election, the Department of Elections publishes an *Election Calendar* with dates and deadlines governing submission of measures, meetings of and preparation of digests by the Ballot Simplification Committee, and submission of other materials for publication in the Voter Information Pamphlet. For information about dates and deadlines, please refer to the *Election Calendar*, which is available at the Department of Elections.

Please note that if you are circulating an initiative petition, you may be required to file campaign finance disclosure statements under the State's Political Reform Act. Consult your legal counsel, the Technical Assistance Division of the Fair Political Practices Commission ((866) 275-3772 or www.fppc.ca.gov) or the San Francisco Ethics Commission ((415) 581-2300 or www.sfgov.org/ethics) for more information.

If you have questions about this guide, please call the Department of Elections at 554-4375.

Please note that the Department of Elections strongly recommends that proponents consult with an attorney on the initiative process, including technical requirements about the format of initiative petitions. The Department does not review initiative petitions prior to circulation. The Department will not verify signatures on initiative petitions that fail to meet the legal requirements.



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Please note that the Department of Elections strongly recommends that proponents of initiative measures consult an attorney about the initiative process, including the format of the initiative petition. Initiative proponents may not rely on these samples or this guide as a substitute for legal advice.

CALENDAR FOR THE JUNE 6, 2006 CONSOLIDATED GENERAL ELECTION

DATES (# of days before election day)	EVENT
Cal. Gov't Code § 85200; S.F. C&GC Code § 1.122	DECLARATION OF INTENT TO SOLICIT OR ACCEPT CONTRIBUTIONS Before a candidate solicits, accepts contributions, loans or uses any personal funds for campaign purposes (excluding filing fees), the candidate must file a Candidate Intention Statement (FPPC Form 501) with the Ethics Commission and a Declaration of Intent to Solicit and Accept Contributions with the Department of Elections.
Dec. 30 – Feb. 23 (E-158 – E-103) CEC §8106 SF MEC § 230	SIGNATURES IN LIEU OF FILING FEE The period during which candidates can pick up and file in-lieu petitions in order to pay for all or part of their filing fee with signatures of qualified voters.
January 31, 2006 (E-126) Gov't Code § 84200(3) (B) (c)	FIRST SEMI-ANNUAL CAMPAIGN FINANCE STATEMENT Last day to file campaign statements for the period ending Dec 31, 2005.
Feb. 6 (E-120) SF MEC § 300	SUBMISSION OF INITIATIVE MEASURES The last day to submit to the Department of Elections initiative petitions to qualify an ordinance, declaration of policy or charter amendment for the ballot.
Feb. 13 – Mar 10 (E-113 – E-88) CEC § 10220	NOMINATION PERIOD Nomination documents cannot be issued before Feb.13, 2006 and cannot be returned after March 10, 2006 at 5:00 pm. <i>Filing Fee is due upon filing of documents.</i> Signatures in lieu of fee are due upon filing of documents or Jan. 26, whichever occurs first.
Feb. 24 (E-102) SF MEC § 300	SUBMISSION OF CHARTER AMENDMENTS & BOND MEASURES The last day for the Board of Supervisors to submit to the Department of Elections Charter amendments and bond measures. The Board of Supervisors may submit, and the Director of Elections has the discretion to accept one Charter amendment or bond measure after E-102 but no later than E-95.
Feb. 27 – Mar 13 (E-99 - E-85) SF MEC § 515	BALLOT SIMPLIFICATION COMMITTEE MEETINGS The Ballot Simplification Committee will meet starting Feb 27, 2006 and ending Mar 13, 2006 to prepare these digests.

<p>March 8 (E-90) SF MEC § 300</p>	<p>SUBMISSION OF ORDINANCES & DECLARATIONS OF POLICY</p> <p>The last day for the Mayor, Board of Supervisors, and/or four members of the Board of Supervisors to submit to the Department of Elections ordinances and declarations of policy.</p>
<p>March 10 (E-88) SF C&GCC § 1.128</p>	<p>ACCEPTANCE OR REJECTION OF VOLUNTARY CAMPAIGN SPENDING LIMITS</p> <p>The last day for candidates to file a statement with the Ethics Commission to indicate whether they accept or reject the City’s Voluntary Spending Limits.</p>
<p>March 10, 5pm (E-88) SF MEC § 250</p>	<p>WITHDRAWAL OF NOMINATORS (SIGNERS)</p> <p>The last day nominators may withdraw their nomination of a candidate by filing a signed and sworn statement of withdrawal with the Department of Elections.</p>
<p>March 10, 5pm (E-88) CEC § 9502</p>	<p>SUBMISSION OF <u>DISTRICT BOND MEASURE</u></p> <p>The last day for submission of a district bond measure.</p>
<p>Mar. 11* – Mar. 15 (E-87 – E- 83) CEC § 10225</p>	<p>SPECIAL CIRCUMSTANCE EXTENDED FILING</p> <p>If an eligible incumbent does not file during the regular nominating period, the candidate filing period for that office shall be extended 5 calendar days for candidates other than the incumbent. The extension period would start March 11 and end March 15.</p>
<p>Mar. 11*, noon – Mar. 21, noon (E-87 – E-77) SF MEC § 590</p>	<p>PUBLIC INSPECTION PERIOD: <u>CANDIDATE QUALIFICATIONS STATEMENTS</u></p> <p>Period of public review for candidate qualifications statements.</p>
<p>Mar. 11*, noon – Mar. 21, noon (E-87 – E-77) SF MEC § 590</p>	<p>PUBLIC INSPECTION PERIODS: <u>BALLOT DESIGNATIONS</u></p> <p>Period of public review for candidate ballot designations.</p>
<p>March 13 (E-85) SF MEC § 510</p>	<p>BALLOT QUESTIONS</p> <p>The last day for the City Attorney to submit to the Department of Elections general question or statement on ballot measures.</p>
<p>March 13 (E-85) SF MEC § 515</p>	<p>BALLOT SIMPLIFICATION COMMITTEE DIGEST</p> <p>The Ballot Simplification Committee will prepare digests of each measure submitted to the voters.</p>

* The legal deadline falls on a weekend or holiday; in most cases, the deadline moves forward to the next working day.

<p>March 13 (E-85) SF MEC § 520</p>	<p>FINANCIAL ANALYSES</p> <p>The last day for the Controller to submit to the Department of Elections a financial analysis of each measure submitted to the voters, including an estimate of the increase or decrease in the cost of government.</p>
<p>Mar. 14 noon – Mar. 24 noon (E-84 – E-74) SF MEC § 590</p>	<p><u>PUBLIC INSPECTION PERIOD: BALLOT DIGESTS, FINANCIAL ANALYSES & BALLOT QUESTIONS</u></p> <p>Period of public review for the Ballot Simplification Committee’s digests, the Controller’s financial analyses, and the City Attorney’s ballot statements or questions.</p>
<p>March 16, 11am (E-82) SF MEC § 505</p>	<p>DESIGNATION OF LETTERS FOR BALLOT MEASURES</p> <p>The Department of Elections designates letters for local ballot measures.</p>
<p>March 16, 11am (E-82) CEC § 13112(b)(1)(e)</p>	<p>RANDOMIZED ALPHABET DRAWING</p> <p>The Secretary of State shall conduct the randomized alphabet drawing to determine the order in which the candidates will appear on the general municipal election ballot.</p>
<p>March 17, noon (E-81) SF MEC § 535</p>	<p>SUBMISSION OF PROPONENT & OPPONENT BALLOT ARGUMENTS FOR LOCAL BALLOT MEASURES</p> <p>This is the last day to submit proponent and opponent ballot arguments to the Department of Elections.</p>
<p>March 17, 2 pm (E-81) SF MEC § 545</p>	<p>SELECTION OF PROPONENT AND OPPONENT ARGUMENTS</p> <p>If the Department of Elections receives more than one proposed proponent or opponent argument for a measure, the Department will select one proponent and one opponent argument for the measure according to priority levels set by Municipal Election Code section 545 and, if necessary, by lottery.</p>
<p>March 17, 5pm (E-81) CEC § 9500-9605</p>	<p>SUBMISSION OF PROPONENT & OPPONENT BALLOT ARGUMENTS FOR <u>DISTRICT BOND MEASURE</u></p> <p>The last day to submit proponent and opponent ballot arguments for district ballot measures to the Department of Elections.</p>
<p>March 17, 5pm – March 27, 5pm (E-81 – E-71) SF MEC § 590</p>	<p><u>PUBLIC INSPECTION PERIOD: DISTRICT BOND MEASURE PROPONENT & OPPONENT BALLOT ARGUMENTS</u></p> <p>Period of public review of the proponent and opponent ballot arguments for publication in the Voter Information Pamphlet.</p>
<p>March 20, noon (E-78) SF MEC § 535</p>	<p>LAST DAY TO CORRECT GRAMMATICAL OR SPELLING ERRORS CONTAINED IN PROPONENT & OPPONENT BALLOT ARGUMENTS</p> <p>The last day for the authors of proponent & opponent ballot arguments to correct errors in grammar and spelling in the arguments.</p>

<p>March 21, noon (E-77) SF MEC § 535</p>	<p>SUBMISSION OF REBUTTAL BALLOT ARGUMENTS The last day to submit rebuttal arguments to the Department of Elections.</p>
<p>March 21, noon – April 3, noon (E-77 – E-64) SF MEC § 590</p>	<p>PUBLIC INSPECTION PERIOD: <u>PROPONENT & OPPONENT ARGUMENTS</u> Period of public review of proponent and opponent arguments for City and County ballot measures submitted for publication in the Voter Information Pamphlet.</p>
<p>March 22 (E-76) Gov't Code § 84200.7(b)(1)</p>	<p>FIRST PRE-ELECTION CAMPAIGN FINANCE STATEMENT The last day for candidates and committees to file campaign statements covering the period from January 1, 2006 through March 17, 2006. Local candidates and committees file with the Ethics Commission. Reports must be delivered in person or by guaranteed overnight mail.</p>
<p>March 22, noon (E-76) SF MEC § 535</p>	<p>SUBMISSION OF PAID BALLOT ARGUMENTS The last day to submit paid ballot arguments to the Department of Elections.</p>
<p>March 23, noon (E-75) SF MEC § 535</p>	<p>LAST DAY TO CORRECT GRAMMATICAL OR SPELLING ERRORS CONTAINED IN REBUTTAL & PAID BALLOT ARGUMENTS The last day for the authors of rebuttal ballot arguments to correct errors in grammar and spelling in the arguments.</p>
<p>March 23, 5pm (E-75) CEC § 9500-9605</p>	<p>SUBMISSION OF <u>DISTRICT BOND MEASURE REBUTTAL ARGUMENTS</u> The last day for district bond measure rebuttal arguments to be submitted to the Department of Elections.</p>
<p>March 23, noon – April 3, noon (E-75 – E-64) SF MEC § 590</p>	<p>PUBLIC INSPECTION PERIOD: <u>REBUTTAL ARGUMENTS</u> Period of public review of rebuttal arguments submitted for publication in the Voter Information Pamphlet.</p>
<p>March 23, 5pm – April 3, 5pm (E-75 – E-64) SF MEC § 590</p>	<p>PUBLIC INSPECTION PERIOD: <u>DISTRICT BOND MEASURE REBUTTAL ARGUMENTS</u> Period of public review of district bond measure rebuttal arguments submitted for publication in the Voter Information Pamphlet.</p>
<p>March 24, noon – April 3, noon (E-74 – E-64) SF MEC § 590</p>	<p>PUBLIC INSPECTION PERIOD: <u>PAID ARGUMENTS</u> Period of public review for paid ballot arguments submitted for publication in the Voter Information Pamphlet.</p>

<p>March 29 – April 8*, noon (E69 –E59) SF MEC § 590</p>	<p>SPECIAL CIRCUMSTANCE EXTENDED PUBLIC INSPECTION PERIOD FOR CANDIDATE QUALIFICATION STATEMENTS AND BALLOT DESIGNATIONS</p> <p><i>This special circumstance public inspection period is applicable only if the candidate filing period has been extended per CAEC §10225</i></p> <p>Period of public review for the candidate qualification statements and ballot designations submitted during the special circumstance extended filing period.</p>
<p>March 31, 5pm (E-67) SF MEC §§ 260, 220(e)</p>	<p>WITHDRAWAL OF CANDIDACY OR CANDIDATE STATEMENT</p> <p>The last day candidates may withdraw their candidacy or Candidate Statement by filing a signed and sworn statement of withdrawal with the Department of Elections.</p>
<p>April 10 – May 23 (E-57 – E-14) CEC §8601</p>	<p>STATEMENT OF WRITE-IN CANDIDACY & NOMINATION PAPERS</p> <p>During this period all write-in candidates must file their Statement of Write-In Candidacy and Nomination Papers with the Department of Elections.</p>
<p>May 21*– June 5 (E-16 – E-1) (Gov’t Code § 84200.7(b)(1)</p>	<p>LATE FILING REQUIREMENTS</p> <p>Candidates and committees must report late contributions and expenditures within 24 hours. For more information, contact the Fair Political Practices Commission at 866-275-3772.</p>
<p>May 22 (E-15) CEC §2102</p>	<p>LAST DAY TO REGISTER TO VOTE</p> <p>Closing date for registration to vote in this election.</p>
<p>May 25 (E-12) Gov’t Code § 84200.7(b)(2)</p>	<p>SECOND PRE-ELECTION CAMPAIGN FINANCE STATEMENT</p> <p>The last day for candidates and committees to file campaign statements covering the period from March 18, 2006 through May 20, 2006. Reports must be delivered to the Ethics Commission in person or by guaranteed overnight mail.</p>
<p>June 6 (E)</p>	<p>ELECTION DAY</p> <p>Polls open at 7 am and close at 8 pm.</p>
<p>July 31, 2006 Gov’t Code § 84200</p>	<p>SECOND SEMI-ANNUAL CAMPAIGN FINANCE STATEMENT</p> <p>Last day to file campaign statements for the period from May 21, 2006 through June 30, 2006.</p>

* The legal deadline falls on a weekend or holiday; in most cases, the deadline moves forward to the next working day.

Code References:

Cal. Gov’t Code: California Government Code
CAEC: California Elections Code
SF C&GCC San Francisco Campaign & Governmental Conduct Code
SF MEC San Francisco Municipal Elections Code

II. SUMMARY OF REQUIREMENTS

CA Const., Art. XI, § 3; CEC § 9255, *et seq.*; S.F. Charter § 14.101; MEC § 820

An initiative proponent must gather at least **42,754** valid signatures of registered San Francisco voters to qualify a proposed Charter Amendment on the ballot through the initiative process. This number equals 10% of the total number of registered San Francisco voters as reported by the Department of Elections in its most recent official report of registration to the Secretary of State. CEC § 9255(a)(4), (c). **Note:** Initiative proponents should check with the Department of Elections to determine if there is a more recent report of registration.

An initiative proponent must pay a **\$200 fee**, or submit up to 400 signatures in lieu of part or all of the filing fee, when filing the text of the proposed measure and the Notice of Intent to Circulate an Initiative Petition.

An initiative proponent has a maximum of **180 days**, after the date of receipt of the City Attorney's title and summary of the proposed initiative measure, to obtain all required signatures and file the initiative petition with the Department of Elections.

For the **June 6, 2006** ballot, the complete initiative petition (which may consist of many separate "sections") must be received by the Department of Elections by **February 6, 2006**. Qualified petitions received after **February 6, 2006**, but within the 180-day limit, will be placed on the ballot at a later election.

III. QUALIFYING AN INITIATIVE CHARTER AMENDMENT FOR THE SAN FRANCISCO BALLOT

There are six steps to qualifying an initiative Charter Amendment for the San Francisco ballot:¹

1. **Write the Charter Amendment.** The initiative proponent writes the text of the proposed Charter Amendment. The Department of Elections strongly advises that the proponent consult with an attorney in writing the proposed measure.
2. **Submit required materials to the Department of Elections.** The initiative proponent submits the following materials to the Department of Elections:
 - a. The full text of the proposed measure;
 - b. a *Notice of Intent to Circulate an Initiative Petition* signed by at least one, but not more than three, proponents, and which may, but need not, contain a written statement of up to 500 words stating the reasons for the proposed measure (see Attachment 2; CEC §§ 9202, 9256); and

¹ Unless otherwise specified, this guide refers to the California Elections Code (CEC) or the San Francisco Municipal Elections Code (MEC).

- c. a request that the City Attorney prepare a ballot title and summary of the proposed measure (see Attachment 1; CEC §§ 9203, 9256). This request must include the proponent's mailing address (CEC §§ 9203, 9256).
3. Pay the fee or submit signatures in lieu of the fee. The initiative proponent pays the filing fee, submits signatures in lieu of the filing fee, or both.

The \$200 filing fee is due at the time the proponent files the *Notice of Intent to Circulate an Initiative Petition*, and is payable by check made out to the San Francisco Department of Elections. In lieu of the filing fee, the initiative proponent may submit valid signatures of 400 registered San Francisco voters. Each valid signature reduces the amount of the filing fee by fifty cents. (See Attachment 3; MEC §§ 320, 820.)

Upon receipt of the minimum number of signatures in-lieu of filing fee, or a sufficient combination of signatures and a pro-rated filing fee, the Director of Elections will provisionally accept the filing of the *Notice of Intent to Circulate an Initiative Petition*. (MEC § 330.) Within seven days after the receipt of the petition, the Director of Elections will notify the proponent of any deficiency in the in-lieu signatures. The proponent may, within seven days of such notification, submit additional signatures or pay a pro-rated portion of the filing fee to cover the deficiency. If the proponent does not remedy the deficiency within the seven day period, the Department of Elections will not accept the *Notice of Intent to Circulate an Initiative Petition* and the proponent will forfeit any filing fee paid to the Department. (MEC § 330.)

The *Notice of Intent to Circulate an Initiative Petition* will be deemed filed upon the date that the Department of Elections verifies a sufficient number of in-lieu signatures, or the date upon which any deficiency has been cured. (MEC § 330.)

The filing fee is refundable if, within one year of the date of filing the *Notice of Intent to Circulate an Initiative Petition*, the Director of Elections certifies that the petition qualifies for the ballot. (CEC §§ 9202, 9256; MEC § 320(a).) When an initiative measure qualifies for ballot, the proponent should submit a *Request for Refund* form to the Department.

4. Obtain the City Attorney's Title & Summary. Within 15 days after the date the proponent files the proposed measure to the Department of Elections (if the signature-in-lieu of the filing fee is filed, then the initiative is deemed filed upon the certification of the signature), the City Attorney prepares a ballot title and summary of the proposed measure. The ballot title, which may differ from the title given by the proponent, must provide a true and impartial statement of the purpose of the proposed measure and may not exceed 500 words. (CEC §§ 9203, 9256.)

If any elector disagrees with the City Attorney's title and summary, he/she may file a lawsuit for a writ of mandate. The court can make changes to the City Attorney's title and summary if the proponent demonstrates by clear and convincing evidence that the City Attorney's title and summary are false, misleading, or inconsistent with the requirements of Section 9203. (CEC §§ 9204, 9256.)

5. Publish the Notice of Intention to Circulate an Initiative Petition. Before circulating the initiative petition, the initiative proponent must publish, at least once in a newspaper of general circulation, the *Notice of Intent to Circulate an Initiative Petition* and the City Attorney's title and summary of the proposed measure. (CEC §§ 9205, 9256.)
6. Submit proof of publication to the Department of Elections. Within 10 days after the date of publication, the initiative proponent must submit to the Department of Elections proof of

publication. The proponent must submit a copy of the published material together with an affidavit made by a representative of the newspaper in which the material was published that certifies the fact of publication. (CEC §§ 9206, 9256.)

If the proponent does not submit proof of publication within the ten day period, the Department of Elections will not accept the petition for filing.

How many signatures are required to qualify a proposed initiative charter amendment for the San Francisco ballot?

An initiative proponent must gather at least **42,754** valid signatures of registered San Francisco voters to qualify a proposed Charter Amendment on the ballot through the initiative process. This number equals 10% of the total number of registered San Francisco voters as reported by the Department of Elections in its most recent official report of registration to the Secretary of State. CEC § 9255(a)(4), (c). **Note:** Initiative proponents should check with the Department of Elections to determine if there is a more recent report of registration.

**IV. INITIATIVE CHARTER AMENDMENT
PETITION FORMAT**

CEC §§ 9203, 9207, 9257 *et seq.*

There are specific formatting requirements for charter amendment initiative petitions. The Department of Elections cannot accept petitions that do not substantially conform to these requirements. (CEC § 9267.) Attachment 4 to this Guide is a sample petition. Please refer to the sample petition as you review this section of the Guide.

Each initiative petition may contain separate "sections." Each section must consist of one or more sheets of white paper that are uniform in size, and that are no smaller than 8-1/2 by 11 inches and no larger than 8-1/2 by 14 inches. (CEC § 9262.) If a section consists of more than one sheet of paper, all sheets of the section must be fastened together during the circulation and filing of the section. (CEC § 9263.) The Department of Elections recommends that initiative proponents number each petition section in order to track which circulator is circulating a particular section.

Each section of the petition must include the ballot title and summary prepared by the City Attorney. The ballot title must appear above the text of the proposed Charter amendment, and across the top of each page on which signatures are to appear, in roman boldface type no smaller than 12 point. (CEC §§ 9203, 9207.)

Each section of the petition must include the full text of the proposed Charter Amendment in no less than 10 point type, and the following information in substantially the following form (CEC §§ 9260, 9257):

*Petition for Submission to Voters of
Proposed Amendment to the
Charter of the City and County of San Francisco*

To the Board of Supervisors of the City and County of San Francisco: _____

We, the undersigned, registered and qualified voters of the State of California, residents of the City and County of San Francisco, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the Board of Supervisors of the city and county this petition and request that the following proposed amendment to the charter of the city and county be submitted to the registered and qualified voters of the city and county for their adoption or rejection at an election on a date to be determined by the Board of Supervisors.

The proposed charter amendment reads as follows:

First. (setting forth the full text of the amendment in no less than 10 point type) (etc.)

Each section of the petition must include the following information, which must be written prior to the petition signatures in no less than 12-point type (CEC § 101):

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE A RIGHT TO ASK.

NOTE: It is the proponent's responsibility to be aware of and in compliance with all relevant laws.

The spaces for petition signatures must be numbered consecutively starting with number one (1), and must include space for the voter's printed name, signature, residence address, city and zip code. In addition, the petition must include at least one inch after each signature space for use by Department of Elections staff. (CEC, §§ 100, 9020.)

Each section of the petition must include a declaration of the petition circulator in the space following the petition signatures. All blanks in the declaration must be hand written (typewritten declarations will invalidate the petition) and signed by the circulator (CEC, §§ 9261, 9022, 104, 9209):

- The printed name of the circulator;
- The residence address of the circulator at the time of the signing of the declaration, including the street and number or, if no street or number exists, enough information about the residence location so that the Department of Elections can determine the site;
- The circulator's statement that he or she circulated that section of the petition and witnessed the signatures;
- The dates between which the circulator obtained the signatures on the petition;
- The circulator's statement that, on his or her information or belief, each signature is the genuine signature of the person whose name it purports to be; and
- The circulator's certification as to the truth and correctness of the declaration, signed under penalty of perjury. The circulator must include his or her given name and middle name or initial, and must indicate the date and place of signing the declaration.

V. GATHERING SIGNATURES

CEC §§ 100, 9207, 9208, 9209; MEC § 300(c)

How much time does the proponent have to gather signatures and submit the initiative petition?

In most cases, the initiative proponent has a maximum of **180 days** from the date of receipt of the title and summary. (CEC § 9265.) The proponent may begin circulating the petition as soon as he or she publishes the *Notice of Intent to Circulate an Initiative Petition* and the City Attorney title and summary. (CEC § 9207.)

In order for an initiative Charter Amendment to be put on the **June 6, 2006** ballot, the petition must be submitted no later than **February 6, 2006** (120 days before the election). If the petition is submitted after that date, but within 180 days from the date of receipt of the title and summary, and if the petition has sufficient valid signatures, the proposed measure will be placed on the ballot at a later election. (MEC § 300(c).)

Who may circulate an initiative petition?

Any person who is registered to vote or eligible to register to vote in California may circulate a petition to place an initiative Charter Amendment on the San Francisco ballot. (CEC § 102.)

Who may sign an initiative petition?

Any eligible registered voter in San Francisco may sign a petition to place an initiative Charter Amendment on the San Francisco ballot. (CEC § 100.)

May a circulator register a person to vote and at the same time obtain that person's signature on an initiative petition?

Yes. As long as the voter registration card is received and processed by the Department of Elections on or before submission of the initiative petition, the petition signature is valid. (CEC § 2102 b)

What if a voter wants to sign an initiative petition but is unable (due to a disability or other reason) to personally complete and sign the petition?

The voter may request another person to print the voter's name and residence information on the initiative petition, but the voter must personally mark or sign the petition, and the mark or signature must be witnessed by another person. The witness must sign the petition to indicate that the witness in fact witnessed the mark or signature. (CEC § 100.5.)

May a person who signs an initiative petition withdraw her or his signature?

Any voter may withdraw his or her signature by filing a written request with the Department of Elections prior to the day the petition is filed. Once the petition is filed, no signatures may be withdrawn. (CEC §§ 103, 9264; S.F. Charter § 14.104.)

Who may file a petition?

Only the proponent, or a person authorized in writing by the proponent, may file the petition. (CEC §§ 9210, 9265.) The petition must be filed with the Director of Elections.

Can the proponent turn in sections of the petition on a rolling basis, until reaching the required number of signatures?

The proponent must turn in all sections of the petition at one time. Once a petition is filed, the Department of Elections cannot accept additional petition sections, and the petition cannot be amended except by court order. (CEC §§ 9210, 9265.)

VI. VERIFICATION OF SIGNATURES

How long will it take to determine whether there are enough signatures to qualify the proposed Charter amendment for the ballot?

Within 30 days from the date of filing, excluding Saturdays, Sundays and holidays, the Department of Elections will notify the initiative proponent whether the proposed measure qualifies for the ballot. If the measure qualifies – if the petition contains a sufficient number of valid signatures -- the Director of Elections will certify the results to the Board of Supervisors. (CEC §§ 9114, 9115, 9211; MEC § 300(c).)

Note: The Department of Elections strongly encourages initiative proponents to separate petition sections into groups with ten (10) signatures per page, nine (9) signatures per page, etc. This will facilitate signature verification and certification of results.

Does the Department of Elections verify every signature on the petition?

The California Elections Code provides that if a petition contains more than 500 signatures, the Department of Elections may use a random sampling technique to verify petition signatures. CEC §§ 9115, 9211. The sampling technique is described in detail in California Administrative Code sections 20520-20540. The random sample must be drawn so that each petition signature has an equal chance of selection, and must include at least 500 or 3% of signatures, whichever is greater. CEC § 9115.

What are the reasons for determining that a petition signature is invalid?

The California Elections Code imposes strict rules governing verification of petition signatures. For example, a petition signature is invalid and cannot be counted if:

- The signer is not a registered voter;
- The signer does not provide a residence address on the petition;
- The residence address provided on the petition is different from the residence address listed on the signer's Voter Registration Card;
- The residence address provided on the petition is a post office box or mail drop;
- The signature on the petition does not match the signature on the Voter Registration Card;
- A person other than the signer pre-printed the signer's address on the petition; and
- The petition circulator failed to complete or sign the affidavit portion of the petition.

The Department of Elections recommends that all initiative proponents consult an attorney concerning the validity of petition signatures.

VII. SUBMISSION OF A PROPOSED BALLOT MEASURE TO THE VOTERS

If the initiative petition contains a sufficient number of signatures to qualify for the ballot, when will the measure be submitted to the voters?

If an initiative petition conforms to all legal requirements, contains a sufficient number of valid signatures, and is submitted to the Department of Elections on or before **February 6, 2006**, the measure will qualify for the June 6, 2006 ballot. (CA Const., Art. XI, § 3; CEC § 9255, et seq.; S.F. Charter § 14.101; MEC § 820.) If the proponent submits the petition after **February 6, 2006** but within the 180 day period for gathering signatures, the measure will be submitted to the voters at a future election.

How many votes does it take to adopt a Charter Amendment?

In most cases, a simple majority (50% + one of the total number of votes cast on the measure) is required to adopt a Charter Amendment. (CA Const., Art. 11, § 3.)

If adopted by the voters, when will the Charter Amendment become effective?

Charter Amendments go into effect when the Amendment is filed by the California Secretary of State. (CA Const., Art. 11, § 3; CA Gov't Code §§ 34459, 34460, MEC § 380.)

What if the voters adopt two conflicting Charter Amendments at the same election?

If two or more ballot measures that concern the same subject matter are adopted by the voters at the same election, and if there is a conflict between provisions of these measures, then some or all of the measure approved by fewer votes would not go into effect. In case two or more measures adopted at the same election have conflicting provisions and are tied for the highest vote, they shall be resubmitted at the next ensuing general election. (CA Const., Art. 11, § 3; CEC § 9221; MEC § 360.)

VIII. BALLOT SIMPLIFICATION COMMITTEE DIGEST, VOTER INFORMATION PAMPHLET & ARGUMENTS FOR AND AGAINST PROPOSED MEASURES

A. The Ballot Simplification Committee Digest

San Francisco's Ballot Simplification Committee (BSC) reviews and writes a digest for each local measure placed on the San Francisco ballot. The digests are printed in the Voter Information Pamphlet, which is mailed to all registered voters in advance of the election.

The BSC digest consists of four subsections:

- (1) The Way It Is Now;
- (2) The Proposal;
- (3) A "Yes" Vote Means; and
- (4) A "No" Vote Means.

See MEC § 515. The digest may not exceed 300 words unless the BSC determines that the complexity or scope of the proposed measure requires a longer digest. The BSC must draft the digest using language as close to the eighth-grade reading level as possible.

It is the responsibility of the BSC to ensure that the digest informs voters of the character and purpose of a proposed measure in a fair and impartial manner. See *Horneff v. City and County of San*

Francisco, --- Cal.Rptr.3d ----, 2003 WL 21675543, NO. A100742, slip op. at 6 (Cal.App. 1 Dist., Jul 18, 2003); *Brennan v. Board of Supervisors*, 125 Cal.App.3d 87, 92-93 (1981). The digest must explain the primary purposes and points of the measure, but it need not include auxiliary or subsidiary information. In addition, the digest may not contain false or misleading information and may not be argumentative or likely to create prejudice for or against the measure.

The BSC conducts its work in public meetings, adheres to applicable open meeting laws, and to the extent possible, provides at least one-week advance notice of any meeting. MEC § 620. Specific notice of BSC meetings is provided to the Mayor, the Board of Supervisors, the official proponents of any initiative measure, and any other person who has notified the Director of Elections of his or her interest in a measure.

The BSC must complete its work and file with the Director of Elections a final digest for each measure no fewer than 85 days before the election. MEC § 610. For the June 6, 2006 election, this deadline falls on **Monday, March 13, 2006**. Following the submission of the digests to Department of Elections, there will be a period for public inspection lasting ten calendar days. (CEC §§ 9295, 13313.) During that ten-day period, any San Francisco voter may seek a writ of mandate or an injunction requiring that the digest be amended or deleted.

A court may order an amendment to a digest prepared by the BSC if a plaintiff can demonstrate by clear and convincing evidence that the digest is false, misleading or fails to include a "chief point or purpose of the measure." *Horneff*, NO. A100742, slip op. at 8; CEC § 9295. "[W]ithin certain limits, what is and what is not an important provision is a question of opinion. Within those limits the opinion of the Ballot Simplification Committee should be accepted by [the reviewing] court." *Horneff*, NO. A100742, slip op. at 9-10 quoting *Brennan*, 125 Cal.App.3d at 92. For this reason, a court may not substitute its opinion for that of the BSC merely because a digest could be more complete or comprehensive.

B. Ballot Title, Ballot Question and Financial Analysis

On March 16, 2006, the Director of Elections shall determine the letter designation for each measure (see MEC § 505 for title and letter designation guidelines), the City Attorney prepares the question that is printed on the ballot for each measure, and the Controller prepares a financial analysis of each measure. The City Attorney and the Controller must complete their work and file the ballot questions and financial analyses with the Director of Elections no fewer than 85 days before the election. For the June 6, 2006 election, this deadline falls on **Monday, March 13, 2006**. These materials are available for public review for ten calendar days immediately following the filing deadline for submission of digests with the Department of Elections. (CEC §§ 9295, 13313.) During that ten-day period, any San Francisco voter may seek a writ of mandate or an injunction to amend or delete the material on the ground that the material is false, misleading or inconsistent with the purposes of the voter pamphlet.

C. Submission and Publication of Arguments For and Against Proposed Ballot Measures; Rebuttals

San Francisco's Voter Information Pamphlet includes arguments for and against local ballot measures. In most cases, proponents of initiative measures have the opportunity to publish in the Voter Information Pamphlet, free of charge, an argument in support of the initiative measure. The last day to submit proponent and opponent ballot argument to the department is 81 days prior to the election, which is March 17, 2006 noon for the June 6, 2006 election. MEC § 545(a)(1)(A). Upon receipt of arguments for and against a ballot measure, the Department of Elections shall send copies of both to the persons of whose arguments have been selected. Each person may submit a rebuttal argument not to exceed 250

words. The rebuttal argument must be submitted to the Department of Elections 77 days prior to the election, which is March 21, 2006 for the June 6, 2006 election. For more information about ballot arguments, please refer to the Department of Elections' *Ballot Argument Guide*.

IX. CAMPAIGN FINANCE DISCLOSURE AND OTHER REQUIREMENTS

A. Campaign Finance Disclosure

State and local law regulate money raised and spent to qualify, support or oppose ballot measures. Anyone who raises or spends \$1000 or more to qualify an initiative measure for the San Francisco ballot, or to support or defeat a San Francisco ballot measure, must file campaign finance disclosure statements with the San Francisco Ethics Commission. (Cal. Gov't Code §§ 82013(a), 84101; 84200 *et. seq.*, S.F. Charter § C3.699-11; S.F. Campaign & Governmental Conduct Code § 1.106.)

The State Fair Political Practices Commission (www.fppc.ca.gov) and the San Francisco Ethics Commission (www.sfgov.org/ethics) publish guides that explain these requirements and answer many frequently asked questions about campaign finance disclosure forms and disclosure deadlines.

The Ethics Commission guides address basic campaign reporting requirements such as: record keeping; filing a Statement of Organization; filing Semi-Annual Campaign Statements; filing Pre-Election Statements; filing deadlines; electronic filing requirements; and fines for failure to comply with these campaign disclosure requirements. Ethics Commission guides also address the regulation of campaign advertising and mailers, including: the prohibition against false endorsements; mass mailings; and recorded telephone calls. Specific questions regarding these restrictions and requirements should be directed to the San Francisco Ethics Commission at (415) 581-2300 or www.sfgov.org/ethics.

B. Campaign Signs

Both State and local law regulate the posting of political signs and distribution of handbills on public property. The Department of Elections has available copies of San Francisco's Sign Ordinance (S.F. PWC Art. 5.6, § 184.56-185.68, and Art. 5.7, § 184.69-184.78), and material from the California Department of Transportation concerning the California Outdoor Advertising Act. For more information about posting political signs on public property, please contact the San Francisco Department of Public Works or the California Department of Transportation.

ATTACHMENT #1
SAMPLE REQUEST FOR CITY ATTORNEY TITLE AND SUMMARY

(date)

John Arntz
Director
San Francisco Department of Elections
City Hall, rm #48
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mr. Arntz:

Enclosed is the draft text of a proposed Charter Amendment to be submitted to the voters of the City and County of San Francisco. We request that a copy be forwarded to the City Attorney so that a ballot title and summary may be prepared.

Please send the title and summary to:

Name: _____

Address: _____

City: _____ Zip Code: _____

If you have any questions, please call me at _____

(days) or _____ (nights & weekends).

Sincerely,

ATTACHMENT #2
SAMPLE NOTICE OF INTENT TO CIRCULATE PETITION

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City and County of San Francisco for the purpose of

A statement of the reasons of the proposed action as contemplated in the petition is as follows (optional, maximum of 500 words):

NAME OF PROPONENT (PRINTED) PROPONENT'S (SIGNATURE) DATE

NAME OF PROPONENT (OPTIONAL) PROPONENT'S (SIGNATURE) DATE

NAME OF PROPONENT (OPTIONAL) PROPONENT'S (SIGNATURE) DATE

**ATTACHMENT #3
SAMPLE PETITION IN LIEU OF FILING FEE FOR NOTICE OF
INTENTION TO CIRCULATE INITIATIVE PETITION**

We, the undersigned registered San Francisco voters, petition the Director of Elections to waive the filing fee for the following proposed initiative ordinance or declaration of policy (please select one):

Insert a complete and accurate copy of the Notice of Intention to Circulate an Initiative Petition here.

**NOTICE TO THE PUBLIC.
THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A
VOLUNTEER. YOU HAVE A RIGHT TO ASK. CEC§ 101**

Use Pen Only -- PLEASE PRINT ALL INFORMATION EXCEPT SIGNATURE -- Use Pen Only

1	_____ Print Name _____ Signature	_____ Date Signed	_____ Residence Address ONLY _____ City	_____ Zip Code	Official Use Only
2	_____ Print Name _____ Signature	_____ Date Signed	_____ Residence Address ONLY _____ City	_____ Zip Code	Official Use Only
3	_____ Print Name _____ Signature	_____ Date Signed	_____ Residence Address ONLY _____ City	_____ Zip Code	Official Use Only
4	_____ Print Name _____ Signature	_____ Date Signed	_____ Residence Address ONLY _____ City	_____ Zip Code	Official Use Only
5	_____ Print Name _____ Signature	_____ Date Signed	_____ Residence Address ONLY _____ City	_____ Zip Code	Official Use Only
6	_____ Print Name _____ Signature	_____ Date Signed	_____ Residence Address ONLY _____ City	_____ Zip Code	Official Use Only

AFFIDAVIT OF CIRCULATOR

TO BE ENTERED BY CLERK – AFTER VALIDATION		
Date	# Valid – This Section	By Deputy

I, _____, declare that I circulated this petition section and I witnessed each of the appended signatures being written. To the best of my information and belief, each signature is the genuine signature of the Person whose name it purports to be. All signatures to this document were obtained between _____, _____ and _____, _____.

Month and Day Year Month and Day Year

My residence address is:

_____ (_____) _____.

Print Residence Address of Circulator City & State Zip Code Telephone

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: _____ at _____.

Date of Signing Place of Signing By Circulator

Signature of Circulator

**ATTACHMENT #4
SAMPLE INITIATIVE PETITION**

**PETITION FOR SUBMISSION TO VOTERS OF PROPOSED AMENDMENT TO THE CHARTER OF
THE CITY AND COUNTY OF SAN FRANCISCO**

To the Board of Supervisors of the City and County of San Francisco:

We the undersigned, registered and qualified voters of the State of California, residents of the City and County of San Francisco, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the Board of Supervisors of the city and county this petition and request that the following proposed amendment to the charter of the city and county be submitted to the registered and qualified voters of the city and county for their adoption or rejection at an election on a date to be determined by the Board of Supervisors.

The City Attorney of San Francisco has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE AND SUMMARY AS PREPARED BY THE CITY ATTORNEY; THE TITLE MUST BE PRINTED IN BOLDFACE ROMAN TYPE NOT SMALLER THAN 12 POINT; THIS IS AN EXAMPLE OF 12 POINT BOLDFACE ROMAN TYPE. PLEASE FOLLOW THIS FORMAT.

The summary of the initiative as prepared by the City Attorney follows the title. The summary must be printed in boldface roman type, not smaller than 12 point. This is a sample of 12 point boldface roman type. This sample title and summary is exactly 200 words. This sample summary continues for several more lines, to show you how a typical petition section should look. On each section of the petition, above the text of the proposed ordinance or declaration of policy, place the title and summary as prepared by the City Attorney. In addition, the City Attorney's title and summary must be printed across the top of each page of the petition on which signatures are to appear. Blank petition forms can be obtained from the Registrar. The forms can be used by inserting the title, summary and text of the proposed measure in the appropriate locations. This sample title and summary is 200 words. It is 12 point boldface roman type.

The proposed charter amendment reads as follows:

First. (setting forth the full text of the amendment in no less than 10 point type) _____ (etc.)

**NOTICE TO THE PUBLIC.
THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A
VOLUNTEER. YOU HAVE A RIGHT TO ASK. CEC§ 101**

Use Pen Only -- PLEASE PRINT ALL INFORMATION EXCEPT SIGNATURE --

1	Print Name _____ Signature _____ Date Signed _____	Residence Address ONLY _____ City _____ Zip Code _____	Official Use Only
	Print Name _____ Signature _____ Date Signed _____	Residence Address ONLY _____ City _____ Zip Code _____	Official Use Only
3	Print Name _____ Signature _____ Date Signed _____	Residence Address ONLY _____ City _____ Zip Code _____	Official Use Only

AFFIDAVIT OF CIRCULATOR

TO BE ENTERED BY CLERK AFTER VALIDATION

Date	# Valid - This Section	By Deputy	I

I, _____, declare that I circulated this petition section and I witnessed each of

Print Name of Circulator

the appended signatures being written. To the best of my information and belief, each signature is the genuine signature of the Person whose name it purports to be. All signatures to this document were obtained between _____, _____ and _____

Month and Day Year

_____. My residence address is: _____

Month and Day Year Print Residence Address of Circulator City & State Zip Code

My telephone number is (_____) _____. I declare under penalty of perjury under the laws of the State of California

Telephone

that the foregoing is true and correct. Executed on: _____ at _____.

Date of Signing

Place of Signing By Circulator

Signature of Circulator

(front)

Petition for Submission to Voters of Proposed Amendment to the Charter of the City and County of San Francisco

The City Attorney of San Francisco has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE AND SUMMARY AS PREPARED BY THE CITY ATTORNEY; THE TITLE MUST BE PRINTED IN BOLDFACE ROMAN TYPE NOT SMALLER THAN 12 POINT; THIS IS AN EXAMPLE OF 12 POINT BOLDFACE ROMAN TYPE. PLEASE FOLLOW THIS FORMAT.

The summary of the initiative as prepared by the City Attorney follows the title. The summary must be printed in boldface roman type, not smaller than 12 point. This is a sample of 12 point boldface roman type. This sample title and summary is exactly 200 words. This sample summary continues for several more lines, to show you how a typical petition section should look. On each section of the petition, above the text of the proposed ordinance or declaration of policy, place the title and summary as prepared by the City Attorney. In addition, the City Attorney's title and summary must be printed across the top of each page of the petition on which signatures are to appear. Blank petition forms can be obtained from the Registrar. The forms can be used by inserting the title, summary and text of the proposed measure in the appropriate locations. This sample title and summary is 200 words. It is 12 point boldface roman type.

PUBLISHED NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intent to circulate the petition with the City and County of San Francisco, for the purpose of _____. A statement of the reasons for the proposed action as contemplated in the petition is as follows: _____. The first sentence, beginning with "Notice is" and ending with "for the purpose of _____" is required. The second sentence ("A statement of the reasons") is optional. If included, it would contain a statement in not more than 500 words giving the reasons for the proposed petition. This notice must contain the exact language that was published in a San Francisco newspaper of general circulation. The notice must be signed by at least one but not more than three proponents.

First Signer, Second Signer, Third Signer

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

Section 1. The exact text of the proposed ordinance appears in this part of the petition. It may continue for however much space is needed to include the entire text of the proposed ordinance.

Section 2. The exact text of the proposed ordinance appears in this part of the petition. This four section sample is in 10 point roman style type.

Section 3. The title and summary should be repeated along with the notice of intent to circulate and the exact text of the proposed ordinance on the back of the page containing the space for signatures.

Section 4. The exact text of the proposed ordinance appears in this part of the petition. This four section sample is in 10 point roman style type.

Etc...

Etc...

Etc...

(back)