

Draft

Guide to Submitting
CITY BALLOT ARGUMENTS

**In favor of or against City measures, for publication in the City and
County of San Francisco's Voter Information Pamphlet**



**Consolidated Presidential Primary Election
June 5, 2012**

DEPARTMENT OF ELECTIONS
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102
415-554-4375; 415-554-7344 (fax)
<http://www.sfelections.org>

Open Monday through Friday, 8:00 a.m. - 5:00 p.m.

*NOTE: Ballot arguments must be filed in person no later than noon on the
following days*

March 15 - Proponent and Opponent Arguments
March 19 - Rebuttal and Paid Arguments

BALLOT ARGUMENT DEADLINES

For the June 5, 2012 Consolidated Presidential Primary Election

| | | |
|------------------|-------|--|
| Monday, March 12 | 11 AM | Designation of Letters for Ballot Measures (MEC 505) |
|------------------|-------|--|

PROPONENT AND OPPONENT ARGUMENTS (300 WORD LIMIT)

| | | |
|---|--------------------|---|
| Thursday, March 15 | 12 Noon | Last day to submit Proponent & Opponent Arguments |
| Thursday, March 15 | 2:00 PM | Lottery to select Proponent & Opponent Arguments |
| Friday, March 16 | 12 Noon | Last day to correct grammatical, spelling or factual errors contained in Proponent & Opponent Arguments |
| Friday, March 16 to Monday, March 26 | 12 Noon 12 Noon | Public inspection period for Proponent & Opponent Arguments |

REBUTTAL ARGUMENTS (250 WORD LIMIT)

| | | |
|--|--------------------|---|
| Monday, March 19 | 12 Noon | Last day to submit Rebuttal Arguments |
| Tuesday, March 20 | 12 Noon | Last day to correct grammatical, spelling or factual errors contained in Rebuttal Arguments |
| Tuesday, March 20 to Friday, March 30 | 12 Noon 12 Noon | Public inspection period for Rebuttal Arguments |

PAID ARGUMENTS (300 WORD LIMIT)

| | | |
|--|--------------------|---|
| Monday, March 19 | 12 Noon | Last day to submit Paid Ballot Arguments |
| Tuesday, March 20 | 12 Noon | Last day to correct grammatical, spelling or factual errors contained in Paid Arguments |
| Tuesday, March 20 to Friday, March 30 | 12 Noon 12 Noon | Public inspection period for Paid Arguments |

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NOTE: To access the Ballot Argument Forms, go to <http://www.sfelections.org>. Click on the left hand side of the page that says Campaigns, and then click on the link that says Ballot Argument Forms.

It is recommended that Ballot Argument Forms be printed out on legal size paper (8.5" x 14").

I. INTRODUCTION

This guide summarizes the procedures and requirements for submitting ballot arguments in favor of or against a measure, for publication in the City and County of San Francisco's Voter Information Pamphlet for the June 5, 2012 election. This guide also answers some of the most frequently asked questions about these procedures and requirements. This guide does not have the force and effect of law, regulation or rule, and if there is a conflict, the law, regulation or rule applies.

The Department of Elections recommends that each person submitting a ballot argument carefully proofread and count the words of the argument, and submit the argument before the legal deadline. All signatures and other supporting documents must also be submitted on or before the deadline. The Department has no authority to extend the deadline.

The Department of Elections also recommends that each person submitting a ballot argument pay particular attention to section VIII of this guide, which describes the procedures and requirements for submitting arguments, provisional acceptance of such arguments by the Department, notification of defective submissions, and procedures for correcting defective submissions.

If you have questions about this guide, please call the Department of Elections at 415-554-4375.

This Ballot Argument Guide pertains to local measures for the City and County of San Francisco. This guide does not apply to state, school or special district measures. Please refer to *State* law for requirements on submitting ballot arguments in favor of or against one of these measures.

II. BEFORE SUBMITTING BALLOT ARGUMENTS

About the San Francisco Voter Information Pamphlet

San Francisco has a long tradition of producing Voter Information Pamphlets to provide information about candidates and ballot measures to voters prior to each election. San Francisco's publication of ballot arguments for or against local ballot measures dates back to at least 1924. In addition to other materials, the Voter Information Pamphlet contains:

- The sample ballot;
- The identification of each measure by letter and title;
- The digest of each measure prepared by the Ballot Simplification Committee;
- The City Attorney's question or statement for each measure;
- The Controller's financial analysis of each measure;
- An explanation of how each measure qualified for submission to the voters;
- The full text of each measure; and
- Opponent, proponent, rebuttal and paid arguments, if any, for and against each measure.

Before submitting arguments for or against a measure, individuals and organizations have the opportunity to review materials such as the Ballot Simplification Committee digest and financial analysis of the measure. See section IX for information about the period for public review of these materials.

The Ballot Simplification Committee Digest

The Ballot Simplification Committee (BSC) reviews and writes a digest for each local measure. The digest includes four subsections:

- The Way It Is Now;
- The Proposal;
- A "Yes" Vote Means; and
- A "No" Vote Means.

The digest is intended to inform voters of the purpose of the proposed measure in a fair and impartial manner, using language as close as possible to the eighth-grade reading level. Digests are usually limited to 300 words. The BSC conducts its work in public meetings. For information about meetings of the BSC, contact the Department of Elections at 415-554-4375.

The BSC digests will be available for public review starting at noon on March 13, 2012, and ending at noon on March 23, 2012. During this ten-day period, any San Francisco voter may seek a court order requiring that a digest be amended or deleted. A court may amend or delete a digest only if the voter demonstrates by clear and convincing evidence that the digest is false, misleading or inconsistent with state or local election laws, and that the amendment or deletion will not substantially interfere with the printing or distribution of the Voter Information Pamphlet. (California Elections Code §§ 9295, 13313.)

Ballot Questions, Titles, and Financial Analyses of Ballot Measures

As the BSC completes the digests for proposed ballot measures, the City Attorney prepares the question to be printed on the ballot for each measure and the Controller prepares a financial analysis of each measure.

These materials, like the BSC digests, will be available for public review starting at noon on March 13, 2012, and ending at noon on March 23, 2012. As with BSC digests, any San Francisco voter may, during the ten-day period, ask a court to amend or delete the material, and a court may grant this relief under limited circumstances. (California Elections Code §§ 9295, 13313.) Within this period, the Director of Elections determines the official titles that are used to identify each ballot measure.

III. WHO MAY SUBMIT BALLOT ARGUMENTS?

San Francisco Municipal Elections Code (MEC) § 530

The following may author or co-author ballot arguments for or against any local ballot measure:

- The Board of Supervisors, or any member or members of the Board of Supervisors authorized by that body;
- The Mayor;
- Any proponent of an initiative measure or a referendum (the person or persons who published the notice of intention to circulate the initiative or referendum petition);
- Any voter who is eligible to vote on the measure, or group of such voters; or association or organization; or
- Any combination thereof.

The Department of Elections can accept a ballot argument only if that argument is signed by each author. See section VII for more information about signature authorizations.

IV. PROPONENT AND OPPONENT ARGUMENTS

MEC §§ 535, 540, 545, 550

Last day to submit: Noon, March 15, 2012

Word limit: 300

For each local ballot measure, the Department of Elections will print in the Voter Information Pamphlet, free of charge, one argument supporting and one argument opposing the measure. These arguments are called proponent and opponent arguments. Anyone who is eligible to submit a ballot argument (see section III) may submit proposed proponent or opponent arguments.

The Department prints the proponent and opponent arguments concerning a measure on facing pages immediately following the Ballot Simplification Committee digest of the measure, the Controller's financial analysis of the measure, and the explanation of how the measure qualified for submission to the voters.

Selection of Proponent and Opponent Arguments

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 according to the following order of priority:

Selection of Proponent Arguments:

- 1) The proponent of an initiative petition; or the Mayor, the Board of Supervisors, or four or more Supervisors if the measure is submitted by the same;
- 2) The Board of Supervisors, or any member(s) designated by motion of the Board;
- 3) The Mayor;
- 4) Any registered San Francisco voter, group of registered San Francisco voters, association or organization, or combination thereof.

Selection of Opponent Arguments:

- 1) In the case of a referendum, the person who files a referendum petition with the Board of Supervisors;
- 2) The Board of Supervisors, or any member(s) designated by motion of the Board;
- 3) The Mayor;
- 4) Any registered San Francisco voter, group of registered San Francisco voters, association or organization, or combination thereof.

If the Department of Elections receives no proposed proponent or opponent argument for a measure from persons in priority levels 1-3, but does receive more than one such proposed argument from persons in priority level 4 (individual voters, groups of voters or associations or organizations), the Department will use a lottery to select the proponent or opponent argument.

Assignment of the Right to Submit a Proponent or Opponent Argument

Under certain circumstances, persons selected as the proponent or opponent for a particular measure may assign the right to submit the argument to another person or persons.

Specifically, when the submitter(s) of the measure/filer(s) of the referendum, the Board of Supervisors or any member(s) designated by motion of the Board, or the Mayor is selected to submit the *proponent* argument, they may assign the right to submit the argument to another person.

Likewise, when the person who filed a referendum petition, the Board of Supervisors or any members designated by motion of the Board, or the Mayor is selected to submit the *opponent* argument, they may assign the right to submit the argument to another person or persons.

NOTE: When a voter, group of voters, association, organization or combination thereof is selected to submit the *proponent* or the *opponent* argument, the persons selected may *not* assign the right to submit the argument to another person or persons.

V. REBUTTAL ARGUMENTS

MEC §§ 535, 550

Last Day to Submit: Noon, March 19, 2012

Word Limit: 250

After the Department of Elections selects one proponent and opponent argument for each measure, the Department sends copies of both arguments to the persons whose arguments were selected. The proponent may submit a rebuttal to the opponent argument, and the opponent may submit a rebuttal to the proponent argument. The Department prints each rebuttal argument on the same page of the Voter Information Pamphlet as the proponent or opponent argument concerning the measure. If no proponent or opponent argument is submitted for a measure, the Department will not accept or publish any rebuttal argument.

Assignment of the Right to Submit a Rebuttal Argument

The author or authors of a proponent or opponent argument may assign to another person or persons the right to submit a rebuttal argument, provided that the other person is eligible to submit an argument (see section III). The Department of Elections will *not* accept a rebuttal argument from anyone other than the proponent or opponent unless the Department receives, with the rebuttal, a signed statement (with an original signature) from the proponent or opponent that clearly assigns the right to submit the rebuttal.

VI. PAID ARGUMENTS

MEC §§ 535, 555, 560, 565, 570

Last Day to Submit: Noon, March 19, 2012

Word Limit: 300

Publication Fee: \$200.00 plus \$2.00 per word

Submission of Proposed Proponent and Opponent Arguments as Paid Arguments

Any person or entity submitting an argument for selection as a proponent or opponent argument may separately submit the same argument as a paid argument, along with the publication fee or a petition in lieu of the publication fee (the fee and petition are discussed below). If the argument is selected as a proponent or opponent argument, the Department of Elections will return any payment received for publication of the argument. The Department prints paid arguments in the Voter Information Pamphlet on the pages immediately following the proponent, opponent and rebuttal arguments concerning the same measure.

Payment of Fee and Disclosure of True Source of Payment

Any person submitting a paid ballot argument must pay a publication fee of \$200.00 plus \$2.00 per word (see section VII for information about counting words to calculate the fee). The fee must be paid at the time the argument is submitted, and may be paid by personal check, money order or cash.

NOTE: Because submitters sometimes undercount the number of words in an argument, the Department of Elections recommends that the submitter overestimate the cost. The Department will refund overpayments (refunds are discussed in section VII of this guide).

Any person submitting a paid ballot argument must disclose the true source of the funds used for payment of the publication fee. This statement, **signed under penalty of perjury**, must be included on the *Ballot Argument Control Sheet*. This information will be printed below the paid argument, after the names of the authors, as follows:

The true source(s) of funds for the printing fee of this argument:
(insert name).

If the source of the funds used for payment of the fee is a “recipient political committee” under the Political Reform Act, **California Government Code Section 82013**, the person submitting the ballot argument must disclose the names of the three contributors whose cumulative contributions are the largest contributions received by the committee during the six months immediately preceding submission of the ballot argument. (For information about what qualifies as a “recipient political committee,” please see below or contact the San Francisco Ethics Commission at 415-252-3100 or the California Fair Political Practices Commission at 866-ASK-FPPC.)

California Government Code Section 82013 (definition of recipient committee)

82013. "Committee" means any person or combination of persons who directly or indirectly does any of the following:

- (a) Receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year.

(b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year;
or

(c) Makes contributions totaling ten thousand dollars (\$10,000) or more in a calendar year to or at the behest of candidates or committees.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

This additional information will appear below the paid argument as follows:

The three largest contributors to the true source recipient committee: 1. (name of contributor), 2. (name of contributor), 3. (name of contributor)

The order of the three largest contributors will be at the discretion of the authors.

True source of funds is not included in the word count.

Submission of Petition Signatures in Lieu of Fee

Any person submitting a ballot argument may submit a petition with signatures of San Francisco voters in lieu of the publication fee ("fee petition"). Each signature reduces the publication fee by \$0.50.

Each fee petition must include a copy of the complete text of the proposed argument and must be submitted in the format prescribed by the Director of Elections (see Attachment 5 to this guide). Any registered San Francisco voter may circulate and/or sign a fee petition, and voters may sign fee petitions for more than one argument concerning the same measure. All fee petitions must be submitted at the time the argument is filed.

Underpayment, Overpayment and Refunds

Any person submitting a ballot argument will have a limited opportunity to correct any underpayment or shortfall in the number of signatures on the fee petition.

NOTE: The Department of Elections strongly recommends that all ballot arguments be submitted prior to the legal deadlines, but this is particularly important for paid arguments. Early submission makes it more likely that an underpayment or shortfall in the number of fee petition signatures will be identified and corrected *before* the legal deadline for submission of paid arguments. If the underpayment or shortfall is discovered *after* the legal deadline for submission of paid arguments, the person will have only **24 hours** to make corrections.

In addition to early filing, the Department of Elections recommends that any person submitting a ballot argument overestimate the fee. The Department will refund overpayments of \$14.00 or more.

The Department of Elections will *not* refund payments for arguments that are withdrawn after the deadline for submission, or that are not printed because the Department of Elections determines that the author is not eligible to submit a ballot argument.

**VII. HOW TO SUBMIT A BALLOT ARGUMENT:
PROCEDURES and REQUIREMENTS**

MEC §§ 550, 575

There are three steps to submitting ballot arguments.

1. Draft the Argument.

- **The argument may not exceed the word limit.**

Proponent, opponent and paid arguments may not exceed 300 words. Rebuttal arguments may not exceed 250 words. The following rules govern the word count:

- ◆ **Authors.** The names of the authors and any titles or identifying information about the authors are counted toward the word limit.

NOTE: “Joe Smith” counts as two words. “Joe Williams-Smith” also counts as two words.

- ◆ **Geographic names.** Proper geographic names (such as "San Francisco") are counted as one word. Building names and areas (for example, "City Hall" and "Bay Area") are not proper geographic names and each count as two words.

NOTE: "San Franciscans" counts as two words.

- ◆ **Numbers and Dates.** Numbers written as numerals (such as 100) are counted as one word, but numbers written as words are counted by the actual number of words (for example, "one hundred" counts as two words). Dates written as a combination of words and numerals are counted as two words (for example, “November 8, 2011”). Dates written as a combination of numerals only are counted as one word (for example, 11/8/2011). (CAEC § 9(a)(6).)
- ◆ **Hyphenated Words.** Word combinations that are hyphenated (which appear hyphenated in any generally available standard reference dictionary published in the United States in the last ten calendar years) are counted as one word.
- ◆ **Punctuation.** Punctuation is not counted.
- ◆ **True Source of Funds.** Disclosure of the true source of funds for paid ballot arguments does not count toward the word limit (or calculation of the publication fee).
- ◆ **Initials.** Initials count as one word.
- ◆ **Abbreviations and Contractions.** Abbreviations and contractions each count as one word.

- **Obtain a *Consent Form* from each person mentioned in the text of the argument.**

If a ballot argument states that an individual or entity other than an author supports or opposes the ballot measure, or agrees with or endorses the argument, a completed *Consent Form* (see Attachment 3 to this guide) is required. The *Consent Form* must be signed by the referenced individual or an authorized representative of the referenced organization.

NOTE: If a newspaper of general circulation reports that an individual or entity supports or opposes the ballot measure, and a ballot argument merely restates what has been reported in the newspaper, the Department of Elections may allow the submitter to provide a copy of the newspaper in lieu of a *Consent Form*.

2. Complete the *Ballot Argument Control Sheet*.

The *Ballot Argument Control Sheet* (see Attachment 1 to this guide) must include:

- ◆ the name and contact information of the submitter;
- ◆ the complete text of the argument, formatted exactly as it should appear in the Voter Information Pamphlet (text may be in **bold**, *italics* or **bold italics**, but not underlined,) with clear spacing between paragraphs;
- ◆ a count of the total number of words in the argument, including the names of and any identifying information about the authors;
- ◆ the names, signatures and any identifying information about the authors, exactly as this information should appear in the Voter Information Pamphlet.

NOTE: If an author's title is used only for identification, and not to indicate the support of his or her respective organization, this should be indicated by checking the box in section 3 of the *Ballot Argument Control Sheet* marked "Check if title and/or identifying information are for identification purposes only..."

Ballot Argument Control Sheets can be accessed at www.sfelections.org and completed and saved on your computer before printing and signing. Otherwise, arguments should be neatly typed, double-spaced, with a one-inch margin on the right and left sides of the page and clear spacing between paragraphs. The type should be dark enough to ensure that photocopies are legible.

NOTE: It is strongly recommended that ballot arguments and supporting documentation not be handwritten or hand-annotated. If the handwriting is illegible or the intended change is unclear, the Department of Elections may need to interpret. In such cases, there is a possibility the ballot argument may not be typeset and printed as the author or submitter intended.

- **Specify Formatting (How the Argument Should Appear in Print)**

Submitters may designate portions of the argument text to be printed in **bold**, *italic* or **bold italic** type. Any such formatting requests must be clear. Arguments should be typed and submitted with the desired format. Or, to designate a text style by hand: underline the portion of the text and indicate in the left margin “B” for bold, “I” for italic, or “BI” for bold italic. If more than one style change is needed in any one line of text, the submitter should write them in order in the left margin, clearly separated by commas. Author names are printed in italics.

NOTE: The Department of Elections will *not* underline argument text, print argument text in columns or with other unusual spacing, or print graphics. In addition, special format requests do not apply to translated arguments.

- **Obtain signature authorization from each author.**

Each author must complete the *Signature Authorization* portion of the *Ballot Argument Control Sheet* (see Attachment 1 and 2). Authors are the persons whose names will be printed under the argument in the Voter Information Pamphlet.

NOTE: The author is not required to personally submit the argument to the Department of Elections. Because the person who authors an argument may be different from the person who submits the argument, this guide generally refers to "submitters" as the persons who actually deliver the argument and supporting material to the Department.

When the author of an argument is an association or organization, the argument must be signed by at least one of the organization’s principal officers who is a registered San Francisco voter. However, if the principal officer is not a registered voter, the principal officer should submit a separate written authorization for an individual who is both a member and a registered San Francisco voter to sign on behalf of the organization. The officer must complete the *Author Information & Signature* portion of the *Ballot Argument Control Sheet*, and clearly indicate whether the officer's name should be printed in the Voter Information Pamphlet as a co-author along with the name of the entity.

NOTE: If an author’s title is used only for identification, and not to indicate the support of his or her respective organization, this should be indicated by checking the box in section 3 of the *Ballot Argument Control Sheet* marked “Check if title and/or identifying information are for identification purposes only...”

NOTE: If there is more than one author, the submitter must submit one *Ballot Argument Control Sheet B* per author, with the author's original signature (preferably in bold, blue ink).

- **Specify how each author should be identified.**

Authors of ballot arguments may include identifying information to be printed under the argument along with their names. For example, an author may list his or her title, occupation or affiliation with an organization. The *Author Information & Signature* portion of the *Ballot Argument Control Sheet* must clearly and legibly indicate the author's name and any title or other identifying information.

NOTE: The names of and identifying information about authors are counted toward the word limit.

3. Submit the completed forms to the Department of Elections.

- **Submit the *Ballot Argument Control Sheet(s)*, with the original signature(s) of the author(s), along with any *Consent Forms***

Any person submitting a ballot argument must deliver to the Department of Elections the completed *Ballot Argument Control Sheet(s)* and any *Consent Forms*, and, in the case of paid arguments, the publication fee or a fee petition, no later than the legal deadline. (See sections II, IV, V, and VI of this guide for all deadline information.) ALL signatures and other supporting documents, as well as the text of the argument, are due no later than the deadline. The Department has no authority to extend the deadline.

NOTE: The Department does not permit filing by e-mail or by fax. The Department accepts faxed copies of *Ballot Argument Control Sheets* and *Consent Forms* in lieu of signed originals provided that the Department receives the signed originals within 48 hours of the legal deadline.

- **Submit an Electronic Copy of Each Argument**

The Department of Elections requests that each person who submits a ballot argument provide an electronic copy of the argument to the Department. Electronic copies should be submitted via e-mail to publications@sfgov.org (preferred) or on a separate CD, formatted for use on an IBM-PC compatible computer in a standard word-processing format. The person submitting the argument should label the CD with his or her name and contact information. Please make file names and subject lines as descriptive as possible. Providing an electronic copy reduces the possibility of a transcription error and expedites typesetting.

NOTE: For each argument, a *Ballot Argument Control Sheet* must be submitted in person at the Department of Elections by the legal deadline; electronic submission is not permitted (although electronic copies are requested, to expedite typesetting.). If there is any discrepancy in the content or format of an electronic copy of an argument versus the *Ballot Argument Control Sheet*, the Department of Elections will refer to the *Ballot Argument Control Sheet*.

- **Provisional Acceptance and Notice of Defective Submission**

The Department of Elections will *provisionally* accept a ballot argument if the person submitting the argument delivers, on or before the legal deadline, a completed *Ballot Argument Control Sheet*. In the case of paid arguments, the Department will *provisionally* accept the argument if it is submitted with the estimated fee, or with the minimum number of fee petition signatures required, or a combination of money and signatures. The Department will review the material as soon as possible to determine whether these materials are sufficient.

The Department will verify whether each author and officer who signs a ballot argument on behalf of an entity is a registered San Francisco voter. If an author is not a registered voter, the Department will remove the author's name from the argument. If there is no co-author, the Department will *not* publish the argument. If only one officer signs a ballot argument on behalf of an entity, and the officer is not a registered voter, the Department will *not* publish the argument.

The Department will verify the word count and confirm that the argument does not exceed the word limit. If the argument exceeds the word limit, the Department will notify the submitter and allow the submitter 24 hours to reduce the word count. No editorial changes may be made other than deleting words, even if the deletions make for improper or awkward grammar. If the submitter fails to reduce the word count, the Department will *not* publish the argument.

In the case of paid arguments, the Department will verify that the fee, fee petition signatures or combination of the two is sufficient. In case of underpayment, the Department will notify the submitter. If the underpayment is discovered *before* the legal deadline for submitting paid ballot arguments, the Department will allow the submitter 24 hours or until the legal deadline (whichever is later) to reduce the word count, submit more fee petition signatures, or pay the balance due. If the underpayment is discovered *after* the legal deadline for submitting paid ballot arguments, the Department will allow the submitter 24 hours to reduce the word count or pay the balance due (the Department will not accept additional fee petition signatures). If the submitter fails to reduce the word count, submit more signatures or pay the balance due, the Department will *not* publish the argument.

- **Refunds**

The Department will refund payment received for printing a ballot argument if the Department does not print the argument because:

- ◆ The argument exceeds the word limit;
- ◆ The payment (or combined payment and fee petition signatures) is insufficient; or
- ◆ The author or authors withdraw the argument before the deadline.

The Department will refund any overpayment of \$14.00 or more.

The Department will *not* refund payments received for printing a ballot argument if the Department declines to print the argument because:

- ◆ The author is not eligible to submit a ballot argument;
- ◆ The officer who signed the argument on behalf of an organization is not a registered San Francisco voter;
- ◆ The argument is withdrawn after the deadline for submission.

**VIII. CORRECTION OF GRAMMATICAL AND SPELLING ERRORS,
MODIFICATION OR WITHDRAWAL OF BALLOT ARGUMENTS**

MEC § 535

**Last Day to Change or Withdraw
Proponent or Opponent Arguments: Noon, March 15, 2012**

**Last Day to Correct
Grammatical or Spelling Errors in
Proponent or Opponent Arguments: Noon, March 16, 2012**

**Last Day to Change or Withdraw
Rebuttal or Paid Arguments: Noon, March 19, 2012**

**Last Day to Correct
Grammatical or Spelling Errors in
Rebuttal or Paid Arguments: Noon, March 20, 2012**

The author of a ballot argument may change or withdraw the argument at any time up until the deadline for submission of that argument. To change or withdraw an argument, the author must submit to the Department of Elections a written and signed statement clearly indicating the change or withdrawal. The Department may require the submitter to complete a new *Ballot Argument Control Sheet*. The author cannot withdraw his or her name or signature authorization after the legal deadline.

The author of a ballot argument may correct grammatical, spelling or factual errors in an argument at any time up until the deadlines listed above. The Director of Elections determines what constitutes a grammatical, spelling or factual error, and this determination is final. To correct an argument, the author must submit to the Department of Elections a written and signed statement clearly indicating the correction, and the Department may require the submitter to complete a new *Ballot Argument Control Sheet*.

IX. PUBLIC REVIEW AND CHALLENGES TO BALLOT ARGUMENTS

MEC § 590

**Public Review of
Proponent and Opponent Arguments: March 16, noon – March 26, noon**

**Public Review of
Rebuttal and Paid Arguments: March 20, noon – March 30, noon**

Copies of all ballot argument material to be printed in the Voter Information Pamphlet will be available for public inspection at the Department of Elections during regular business hours, Monday through Friday, 8:00 a.m. through 5:00 p.m.

During this public review period, any San Francisco voter may seek a court order requiring that a ballot argument be amended or deleted. A court may amend or delete a ballot argument only if the voter demonstrates by clear and convincing evidence that the argument is false, misleading or inconsistent with state or local elections laws, and that the amendment or deletion will not substantially interfere with the printing or distribution of the Voter Information Pamphlet. (California Elections Code §§ 9295, 13313.)

X. FREQUENTLY ASKED QUESTIONS

Does the Department of Elections have the authority to change ballot arguments?

No. The Department of Elections has no authority to edit (except formatting for consistency) or delete a ballot argument. Only a court may edit or delete ballot arguments.

Who verifies the accuracy of statements made in ballot arguments?

The person submitting a ballot argument is responsible for the accuracy of the claims made in the argument. The Department of Elections does not verify the accuracy of arguments or edit arguments for correct spelling or grammar. The Department prints arguments exactly as submitted.

If I submit my ballot arguments before the deadline, or if I submit a large number of ballot arguments, can I get a discount on the publication fee?

No. The Board of Supervisors sets the publication fee by ordinance, so the Department of Elections has no authority to reduce or waive the fee under any circumstance.

How can I ensure that my paid argument will appear as the first paid argument in the Voter Information Pamphlet?

To the extent possible, the Department of Elections prints paid ballot arguments in the Voter Information Pamphlet in the order in which the arguments are received. Submitting paid ballot arguments before the legal deadline is recommended for several reasons. In addition to giving the submitter the best opportunity to correct any underpayment or any errors in the argument, early submission makes it more likely that the argument will be printed as one of the first paid arguments for or against the measure.

If the true source of funds for a paid ballot argument is a recipient political committee, and if two or more of the largest contributors to the committee contributed identical amounts, what information must be provided concerning the true source of the funds?

As explained in section VI of this guide, if the source of payment for a paid ballot argument is a “recipient political committee,” the person submitting the ballot argument must disclose the names of the three contributors whose cumulative contributions are the largest contributions received by the committee during the six months immediately preceding submission of the ballot argument (please contact the San Francisco Ethics Commission at 415-252-3100 or the California Fair Political Practices Commission at 866-ASK-FPPC for information about recipient political committees). No person is required to disclose more than three contributors.

If the true source of funds for a paid ballot argument is a recipient political committee, and if there were fewer than three contributors to the committee during the six-month period immediately preceding submission of the ballot argument, what information must be provided concerning the true source of the funds?

If there were only two contributors to the committee during the six-month period, the ballot argument must disclose both contributors. If there was only one contributor to the committee during the six-month period, the person submitting the ballot argument must disclose the single

contributor. No person is required to disclose information about contributors who contributed before the six-month period.

Are the individuals who sign a petition in lieu of the publication fee considered to be the authors of the ballot argument?

No. The individuals who sign a petition in lieu of the publication fee are not considered to be the authors of the ballot argument. Only the person or persons who complete the *Author Information & Signature* portion of the *Ballot Argument Control Sheet* are authors.

Can I fax or e-mail ballot arguments to the Department of Elections?

No. Any person submitting a ballot argument must deliver a signed original of the *Ballot Argument Control Sheet* and any *Consent Forms* before the legal deadline. The Department of Elections will not print arguments that are faxed or e-mailed only. However submitters are urged to also send an electronic copy of their arguments to facilitate typesetting.

If I submit a ballot argument before the legal deadline, will other people be able to see my argument?

No. Copies of arguments will be available only after the public inspection period begins.

What if there is a typesetting error in the Voter Information Pamphlet that is discovered after the Pamphlet has been printed?

The Department of Elections makes every effort to ensure that arguments appearing in the Voter Information Pamphlet are typeset correctly. If the Department discovers a substantive error after the Pamphlet has been printed, the Department will publish a notice of the corrections in local newspapers. Publication details are noted on the index page of the Voter Information Pamphlet.

If I submit an argument that is not chosen as a proponent or opponent argument, can I use it as a paid argument?

Yes. You can refile the same argument as a paid argument.

If I submit a faxed signature with my argument, will be accepted?

Yes, under the conditions that the original signature will be submitted within 48 hours, or the author/endorsement in question will be removed from the argument.



Reminders for Argument Submitters

The Department of Elections has prepared this checklist to assist you with the submission of your argument. Please review it to make sure that you have included all of the information we'll need to accept your argument and print it as you wish.

Did you...?

- type or print all information clearly?
- proofread your argument? The information on the *original* Ballot Argument Control Sheet A will be printed EXACTLY as submitted. (*Ballot Argument Guide, pg. 11*)
- specify text formatting (**bold**, *italics*, or **bold italics**)? (*Ballot Argument Guide, pg. 11*)
- if applicable, check the box marked "Check if title and/or identifying information is for identification purposes only"? (*Ballot Argument Guide, pg. 11*)
- include signatures for each author? (*Ballot Argument Guide, pg. 12*)
- include the signature(s) of a principal member of any organization(s) listed as author? (*Ballot Argument Guide, pg. 12*)
- submit an electronic copy of your argument? (Not required, but very helpful as we prepare your argument for printing.) (*Ballot Argument Guide, pg. 13*)
- check deadlines for grammar and spelling corrections? (*Ballot Argument Guide, pg. 15*)

FOR PAID ARGUMENTS ONLY:

- list the organization(s) or individual(s) regarded as the true source of funds? (*Ballot Argument Guide, pg. 8-9*)
- indicate whether the organization is a recipient committee? (*Ballot Argument Guide, pg. 8*)
- list the three largest monetary contributors to the recipient committee during the last six months? (*Ballot Argument Guide, pg. 9*)

Thank you for making your voice heard!