

DRAFT

**GUIDE TO QUALIFYING
INITIATIVE CHARTER AMENDMENTS
FOR THE SAN FRANCISCO BALLOT**



**Primary Election
June 5, 2012**

DEPARTMENT OF ELECTIONS
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INTRODUCTION

This guide summarizes the procedures and requirements for qualifying Charter Amendments, through the initiative process, for the **June 5, 2012** 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.municode.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. You may also find links to applicable election codes via our website <http://www.sfelections.org> under the *Candidates and Campaigns* page.

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 and on our website <http://www.sfelections.org>.

Note: 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) 252-3100 or www.sfethics.org for more information.

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

The Department of Elections strongly recommends that proponents consult with an attorney on the initiative process, including technical requirements for the format of initiative petitions. The Department does not review initiative petitions prior to circulation, and accepts initiative petitions after a prima facie review. The Department of Elections will not verify signatures on initiative petitions that fail to meet the requirements of this review. The Department's receipt of an initiative petition is not an indication that the petition meets all 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.

I. SUMMARY OF REQUIREMENTS

Cal. Const., Art. XI, § 3; CAEC § 9200, *et seq.*; MEC §§ 300 (c), 310, 820, 840

An initiative proponent must gather at least **47,039** (as of January 19, 2012) 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. (CAEC § 9255(a)(4), (c).) **Note:** In order to qualify for the ballot, the signature requirement is based on the official report of registration at the time a "Notice of Intent to Circulate Petition" is published.

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. (MEC §§ 820, 840.)

An initiative proponent has a maximum of **180 days**, from 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. (CAEC § 9265.)

For the **June 5, 2012** ballot, the complete initiative petition (which may consist of many separate "sections") must be received by the Department of Elections by **February 6, 2012**. (MEC § 300 (c).) Qualified petitions received after **February 6, 2012**, but within the 180-day limit, will be placed on the ballot at a later election.

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

Revised: 2/16/2012

**II. 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. 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 proponent(s), and which may, but need not, include a written statement of up to 500 words stating the reasons for the proposed measure (see Attachment 2; CAEC §§ 9202, 9256); and
 - c. A request that the City Attorney prepare a ballot title and summary of the proposed measure (see Attachment 1; CAEC §§ 9203, 9256.) This request must include the proponent's mailing address (CAEC §§ 9203, 9256.)
 - d. At the time the request for title and summary is submitted, the proponent(s) must also execute and submit a signed statement that reads as follows (see Attachment 3; CAEC § 9608):

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Proponent)

Dated this ____ day of _____, 20__

This statement shall be kept on file at the Department of Elections for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials.

Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition. (CAEC § 9608.)

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 6; MEC §§ 320, 820, 840.)

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 (a).) 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 (a).)

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 (b).)

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. (CAEC §§ 9202, 9256; MEC § 320 (a).) When an initiative measure qualifies for ballot, the proponent must 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 signatures are submitted in lieu of the filing fee, then the initiative is deemed filed upon the certification of the signatures), 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. (CAEC §§ 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 only if the proponent demonstrates by clear and convincing evidence that the City Attorney's title and summary is false, misleading, or inconsistent with the requirements of Section 9203. (CAEC §§ 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. The text of the proposed measure is not required for publication (CAEC §§ 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. (CAEC §§ 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 **47,039** (as of January 19, 2012) 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. (CAEC § 9255(a)(4), (c).)

Note: In order to qualify for the ballot, the signature requirement is based on the official report of registration at the time a “Notice of Intent to Circulate Petition” is published.

III. INITIATIVE CHARTER AMENDMENT PETITION FORMAT

CAEC §§ 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. Attachment 8 to this Guide is a sample petition. Please refer to the sample petition (Attachment 8) as you review this section of the Guide.

STEP 1

- Insert the heading “Petition for Submission to Voters of Proposed Amendment to the Charter of the City and County of San Francisco” (CAEC § 9260.)
- Insert: *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.)

- Insert *The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:*
- Insert the ballot title and summary prepared by the City Attorney – verbatim (CAEC § 9256.)
- Print in Roman **boldface** type (12-point or larger)
- Title and Summary must appear at the top of each page on which signatures are to appear.

STEP 2

- Insert text of Charter, which must appear on the 1st page of each petition section.
- Print 10-point type or larger

STEP 3

- Insert *Notice of Intent to Circulate Initiative Petition*, which shall be contained in each section. (CAEC § 9207.)

STEP 4

- Insert *NOTICE TO THE PUBLIC THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.* (CAEC § 101.)
- Insert above where signature box is to appear.
- Print 12-point type or larger

STEP 5

- Signature box should be numbered consecutively starting with number one (1)
- Include space for voter's printed name, signature, residence address and city
- Include at least one inch after each name for use by the Department of Elections staff. (CAEC §§ 101, 9020, 9201.)

STEP 6

- A Declaration of the Petition Circulator must be included following the petition signature box.
- Blanks in the declaration must be completed in circulators own handwriting and signed by circulator. (CAEC §§ 104, 9022, 9261.)
 - A Declaration of the Petition Circulator must include:
 - The printed name of the circulator;
 - The residence address of the circulator at the time of the signing of the declaration, including the street number or, if no street number exists, enough information so that the Department of Elections can readily determine the location;
 - The circulator's statement that he or she circulated that section of the petition and witnessed the signatures;
 - The circulator's statement that he or she is a registered voter or is qualified to register to vote in the State of California;
 - The dates between which the circulator obtained all 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.

IV. PETITION CIRCULATORS

- A. The proponent(s) of an initiative measure are required to ensure that any person, company, or other organization who solicits signatures to qualify the proposed initiative measure, whether they are paid or volunteers, receives instruction on the requirements and prohibitions imposed by state law with respect to the circulation of petitions and the gathering of signatures. Such instructions must emphasize the prohibition of the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot. (CAEC § 9607.) The petition may be circulated by a number of individuals carrying separate, identical parts of the petition called sections. Each petition circulator who obtains signatures must complete the attached declaration to the petition. Preprinted dates or generalized dates, other than the particular range of dates during which the petition section was actually circulated, are not allowed (*Assembly v. Deukmejian* 30 Cal.3d 638, 653 (1982)). The declaration must be signed under penalty of perjury under the laws of the State of California. It need not be sworn before a notary public or other officer authorized to administer oaths, but must include the circulator's signature, date, and place of signing (Cal. Civ. Proc. Code Section 2015.5).

Prior to allowing a person to circulate an initiative petition for signatures, the person, company official, or other organizational officer who is in charge of signature gathering shall execute and submit to the proponent(s) a signed statement that reads as follows (see Attachment 4; CAEC § 9609):

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Official)

Dated this ____ day of _____, 20__

This statement shall be kept on file by the proponent(s) for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials.

Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition

In addition, all paid circulators shall execute and submit to the person, company official, or other organizational officer who is in charge of signature gathering a signed statement, prior to soliciting signatures on an initiative petition, that reads as follows (see Attachment 5; CAEC § 9610):

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Paid Circulator)

Dated this ____ day of _____, 20__

This statement shall be kept on file by the person, company official, or other organizational officer who is in charge of signature gathering for not less than eight months after the certification of the results of the election for which the petition qualified or, if the measure did not qualify, eight months after the deadline for submission of the petition to elections officials. This section does not apply to unpaid circulators.

Failure to comply with this section shall not invalidate any signatures on a state or local initiative petition

B. Petition Circulator Identification Requirements

Upon request, the Elections Department will provide to any petition circulator or person in charge of petition circulators badges, indicating whether a circulator is paid or is a volunteer. Any person who intentionally fails to wear the appropriate badge is guilty of an infraction. (MEC § 335.) In addition, upon request by any person, petition circulators must disclose the names of the proponents of the petition. (MEC § 335.)

V. GATHERING SIGNATURES

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

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

The initiative proponent has a maximum of **180 days** from the date of receipt of the title and summary. (CAEC § 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. (CAEC §§ 9207, 9256.)

In order for an initiative Charter Amendment to be put on the **June 5, 2012** ballot, the petition must be submitted no later than **February 6, 2012** (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 a local initiative petition?

Any person who is registered to vote or is qualified to register to vote in the State of California may circulate a petition to place an initiative Charter Amendment on the San Francisco ballot. (CAEC §§ 102, 9261.) Each section of a petition must include a declaration that the circulator is qualified to vote or registered to vote in California.

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. (CAEC § 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. (CAEC § 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 also sign the petition to indicate that the witness in fact witnessed the mark or signature. (CAEC § 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. (CAEC §§ 103, 9264, 9602; 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. (CAEC § 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?

No. 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. (CAEC § 9265.)

VI. IMPROPER SIGNATURES GATHERING

CAEC §§ 18600, 18601, 18602, 18603

What happens if a circulator intentionally misrepresents concerning the contents of the petition?

Any person circulating or having charge or control of the circulation of, or obtaining signatures to, any state or local initiative, referendum or recall petition, intentionally misrepresents or intentionally makes any false statement concerning the contents, purport or effect of the petition to any prospective signer, is guilty of a misdemeanor. (CAEC § 18600 (a).)

What happens if a circulator intentionally circulates any false statement concerning an initiative?

Any person willfully and knowingly circulates any false statement or misrepresentation concerning the contents, purport or effect of any state or local initiative, referendum, or recall petition for the purpose of obtaining any signature to, or persuading or influencing any person to sign, that petition, is guilty of a misdemeanor. (CAEC § 18600 (b).)

What happens if a circulator falsify their status as paid signature gatherer or volunteer?

Any person circulating any state or local initiative, intentionally makes any false statement in response to any inquiry by any voter as to whether he or she is a paid signature gatherer or a volunteer is guilty of a misdemeanor. (CAEC § 18600 (c).)

Can a circulator deny a prospective signer from reading the measure?

No. Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who refuses to allow a prospective signer to read the measure or petition is guilty of a misdemeanor. (CAEC § 18601.)

Can a circulator of a statewide initiative or referendum prevent a prospective signer from viewing the summary of the measure?

No. Any person working for the proponent or proponents of a statewide initiative or referendum measure who covers or otherwise obscures the summary of the measure prepared by the Attorney General from the view of a prospective signer is guilty of a misdemeanor. (CAEC § 18602.)

Can a circulator offer prospective signers monetary incentives to sign the petition?

No. Every person who offers or gives money or other valuable consideration to another in exchange for his or her signature on a state, county, municipal, or district initiative, referendum, or recall petition is guilty of a misdemeanor. (CAEC § 18603.)

VII. 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. (CAEC §§ 9114, 9115, 9266; 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. (CAEC §§ 9115, 9266.) The sampling technique is described in detail in California Administrative Code sections 20520-20540 (2 C.C.R. §§ 20520-40). The random sample must be drawn so that each petition signature be given equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater. (CAEC §§ 9115, 9266.)

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 in the City and County of San Francisco;
- The signer does not provide a San Francisco 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.

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

VIII. 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, 2012**, the measure will qualify for the **June 5, 2012** ballot. (S.F. Charter § 14.101; MEC § 300 (c).) If the proponent submits the petition after **February 6, 2012** 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% of the total number of votes cast on the measure plus one) is required to adopt a Charter Amendment. (Cal. 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 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 the provisions of the measure receiving the greatest number of votes would 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; MEC § 360.)

IX. 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.

(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*, 110 Cal. App. 4th 814, 823 (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's 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 5, 2012** election, this deadline falls on **Monday, March 12, 2012**. (These digests are available for further public review for ten calendar days starting **Tuesday, March 13, 2012 at noon**.) Following the submission of the digests to Department of Elections, there will be a period for public inspection lasting ten calendar days. (CAEC §§ 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 only 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*, 110 Cal. App. 4th at 822; CAEC § 9295. "Within 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*, 110 Cal. App. 4th at 823, (*quoting Brennan*, 110 Cal.App.4th 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 12, 2012, the Director of Elections shall determine the letter designation for each measure (MEC § 505), the City Attorney prepares the question that is printed on the ballot for each measure (MEC § 510), and the Controller prepares a financial analysis of each measure (MEC § 520). 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 5, 2012** election, this deadline falls on **Monday, March 12, 2012**. 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. (CAEC §§ 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 arguments to the department is 82 days prior to the election, which is on **March 15, 2012 at noon** for the **June 5, 2012 election**. (MEC § 535.) Upon receipt of arguments for and against a ballot measure, the Department of Elections shall send copies of both to the persons 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 78 days prior to the election, which is **March 19, 2012 at noon** for the **June 5, 2012 election**. (MEC § 535.) For more information about ballot arguments, please refer to the Department of Elections' *Ballot Argument Guide*.

X. 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 \$1,000 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, 84101, 84200 *et. seq.*; S.F. Charter § C3.699-11; S.F. Campaign & Governmental Conduct Code § 1.113.)

Section 1.113 of the S.F. Campaign & Governmental Conduct Code requires committees that have raised or spent funds to support or oppose a measure during the signature-gathering period to file campaign finance disclosure documents with the San Francisco Ethics Commission. Committees subject to this requirement include: committees primarily formed to support or oppose the measure, general purpose recipient committees that are the proponents of the measure, and committees making independent expenditures of \$1,000 or more to support or oppose the measure. These committees must file campaign finance disclosure statements reporting their contributions and spending from the date that the proponent(s) or their agent(s) begin to circulate the petition until the end of the circulation period. The committees must file statements on the 20th day of each month (covering the committee's activities in the first 15 days of the month), and on the 5th day of each month (covering activities in the last half of the previous month).

In addition, within 24 hours of the first date that a petition is circulated for signatures, the proponent(s) must notify the Ethics Commission by e-mail or facsimile that they have begun to circulate the petition.

Further details regarding the forms that must be used to comply with section 1.113 are available on the Ethics Commission's website at <http://www.sfethics.org>. You may also call the Ethics Commission at (415) 252-3100 with any questions or concerns regarding this reporting requirement, or any other campaign finance disclosure requirements.

B. Campaign Signs

Both State and local law regulate the posting of political signs and distribution of handbills on public property. 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 are available at the Department of Elections. For more information about posting political signs on public property, please contact the San Francisco Department of Public Works, (415) 554-5810, or the California Department of Transportation at (916) 651-9378.

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,

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

SIGNED STATEMENT-Proponent

I, _____, acknowledge that it is
Print Name

a misdemeanor under state law (*Section 18650 of the Elections Code*) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of the **Proponent**)

Dated this _____ day of _____, 2012

SIGNED STATEMENT-Official

I, _____, acknowledge that it is
Print Name

a misdemeanor under state law (*Section 18650 of the Elections Code*) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of the **Official**)

Dated this _____ day of _____, 2012

SIGNED STATEMENT-Paid Circulator

I, _____, acknowledge that it is
Print Name

a misdemeanor under state law (*Section 18650 of the Elections Code*) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of the **Paid Circulator**)

Dated this _____ day of _____, 2012

DISCLAIMER LETTER FOR PETITION CIRCULATORS

Initiative Measure Name

Proponents: [Name of Proponents]

Contact: [Contact name & phone number]

Badge #

I, _____, acknowledge that it is
Print Name

a misdemeanor under state law (CAEC §§ 18650) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

San Francisco Municipal Election Code § 335 (b) requires that the Department of Elections inform you that “Every person is guilty of an infraction, punishable by the maximum fine allowed under state law, who, circulating, as a principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any City initiative, referendum or recall petition, intentionally fails to display an identification badge provided by the Department of Elections pursuant to subsection (a) on his or her outermost piece of clothing that includes the words "VOLUNTEER CIRCULATOR" if the person is not being paid to circulate the petition or "PAID CIRCULATOR" if the person is being paid to circulate the petition.”

Section 335 (c) states that

“Every person who receives written notice from the Department of Elections described in subsection (a) shall provide an exact copy of the written notice to every person to whom the person distributes a badge received from the Department of Elections. Any person who fails to provide an exact copy of the written notice as required under this subsection shall be guilty of an infraction, punishable by the maximum fine allowed under state law.”

(Front of Disclaimer Letter)

Section 335 (d) states that

“Upon request by any person, a person circulating, as a principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any City initiative, referendum or recall petition shall disclose the name(s) of the proponents of the petition. Any person who intentionally fails to make such disclosure shall be guilty of an infraction, punishable by the maximum fine allowed under state law.”

(Signature of the ***Paid or Volunteer Circulator***)

Dated this _____ day of _____, 2012

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 **charter amendment**:

Notice of Intention 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 *(insert purpose of measure)*. A statement of reasons of the proposed action as contemplated in the petition is as follows.

A 500-word statement outlining the reasons for the proposed petition may be printed here. The statement is **optional**. The notice shall contain the printed name of at least one, but not more than three, proponents. (CAEC § 9202 (a).) The Notice of Intent and optional statement should not be less than 8-point font.

NOTICE TO THE PUBLIC

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

Print in 12-point type, prior to the portion for voters' signatures. (CAEC § 101)

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

| | | | |
|----|--|--|--|
| 1. | _____ Print Name _____ Sign as registered to vote | _____ Residence Address ONLY _____ City | |
| 2. | _____ Print Name _____ Sign as registered to vote | _____ Residence Address ONLY _____ City | |
| 3. | _____ Print Name _____ Sign as registered to vote | _____ Residence Address ONLY _____ City | |
| 4. | _____ Print Name _____ Sign as registered to vote | _____ Residence Address ONLY _____ City | |
| 5. | _____ Print Name _____ Sign as registered to vote | _____ Residence Address ONLY _____ City | |
| 6. | _____ Print Name _____ Sign as registered to vote | _____ Residence Address ONLY _____ City | |

DECLARATION OF CIRCULATOR

(to be completed in Circulator's own handwriting after above signatures have been obtained)

TO BE ENTERED BY CLERK - AFTER VALIDATION

| | | |
|----------|------------------------|-----------|
| Date | # Valid - This Section | By Deputy |
| I | | I |

I, _____, am registered to vote in the State of California,
Print Name of Circulator

or am qualified to register to vote in the State of California. My residence address is:

(Address, city, state, zip)

circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____. I declare under penalty of perjury under the laws of the State of

(Month, day, year) (Month, day, year)

California that the foregoing is true and correct.

Executed on: _____, _____ at _____
(Month and day) (Year) (Place of signing)

(Circulator's Signature)

ATTACHMENT 8

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 the next statewide general, statewide primary, or regularly scheduled municipal election date pursuant to Section 1200, 1201, or 1301. CAEC § 9260

The proposed charter amendment reads as follows:

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

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

INSERT CITY ATTORNEY'S TITLE & SUMMARY-VERBATIM

The City Attorney's Title and Summary shall appear upon each section of the petition above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in Roman boldface type, not smaller than 12-point font. (CAEC § 9203 (b).)

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 (insert purpose of measure). A statement of reasons of the proposed action as contemplated in the petition is as follows:

A 500-word statement outlining the reasons for the proposed petition may be printed here. The statement is optional. The notice shall contain the printed name of at least one, but not more than three, proponents. (CAEC § 9202 (a).) The Notice of Intent and optional statement should not be less than 8-point font.

NOTICE TO THE PUBLIC

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

Print in 12-point type, prior to the portion for voters' signatures. (CAEC § 101)

Use Pen Only -- PLEASE PRINT ALL INFORMATION EXCEPT SIGNATURE

Official Use Only

| | | | |
|----|----------------------------|------------------------|--|
| 1. | Print Name | Residence Address ONLY | |
| | Sign as registered to vote | City | |
| 2. | Print Name | Residence Address ONLY | |
| | Sign as registered to vote | City | |

DECLARATION OF CIRCULATOR

(to be completed in Circulator's own handwriting after above signatures have been obtained)

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

I

I

I, _____, am registered to vote in the State of California,

Print Name of Circulator

or am qualified to register to vote in the State of California. My residence address is: _____

(Address, city, state, zip)

circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____. I declare under penalty of perjury under the laws of the State of

(Month, day, year) (Month, day, year)

California that the foregoing is true and correct.

Executed on: _____ at _____

(Month and day)

(Year)

(Place of signing)

*Guide to Qualifying Initiative Charter Amendments
Attachment*

(Circulator's Signature)

NOTE: The department recommends that this petition be submitted on legal size paper (8½ x 14) to fit more signatures per page

Revised Date: 2