

Guide to Qualifying Initiative Charter Amendments, Ordinances, and Declarations of Policy



June 7, 2016
Presidential Primary Election

DEPARTMENT OF ELECTIONS

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sfelections.org

June 7, 2016, Election: Important Dates for Ballot Initiatives

Deadline to Submit Initiative Measures to Qualify

Monday, February 8 (E-120)	5 p.m.	Last day to submit initiative petitions to qualify a Charter Amendment, Ordinance, or Declaration of Policy for the ballot
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Designation of Letters for Ballot Measures

Monday, March 7 (E-92)	11 a.m.	Designation of letters for ballot measures
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Ballot Simplification Committee Digests, Ballot Questions, Financial Analyses

Monday, February 29 (E-99) Monday, March 14 (E-85)		Ballot Simplification Committee conducts public meetings to prepare a digest of each local measure, to be published in the Voter Information Pamphlet
Monday, March 14 (E-85)	5 p.m.	Last day for Ballot Simplification Committee to submit a digest of each measure to be published in the local Voter Information Pamphlet
Monday, March 14 (E-85)	5 p.m.	Last day for City Attorney to submit ballot statements or questions for local measures
Monday, March 14 (E-85)	5 p.m.	Last day for Controller to submit a financial analysis of each local measure

Proponent and Opponent Arguments* for the Voter Information Pamphlet (300-word limit)

Thursday, March 17 (E-82)	12 p.m.	Last day to submit Proponent and Opponent Arguments
Thursday, March 17 (E-82)	2 p.m.	Lottery to select Proponent and Opponent Arguments, if needed
Friday, March 18 (E-81)	12 p.m.	Last day to correct grammatical, spelling, or factual errors contained in Proponent and Opponent Arguments
Friday, March 18 (E-81) Monday, March 28 (E-71)	12 p.m. 12 p.m.	Public examination period for Proponent and Opponent Arguments

Rebuttal Arguments* for the Voter Information Pamphlet (250-word limit)

Monday, March 21 (E-78)	12 p.m.	Last day to submit Rebuttal Arguments
Tuesday, March 22 (E-77)	12 p.m.	Last day to correct grammatical, spelling or factual errors contained in Rebuttal Arguments
Tuesday, March 22 (E-77) Friday, April 1 (E-67)	12 p.m. 12 p.m.	Public inspection period for Rebuttal Arguments

*For more information, please review our Ballot Argument Guide.

To qualify an initiative measure for the ballot:

Charter Amendment: proponents must gather at least **43,280** valid signatures of registered San Francisco voters. This number equals 10% of the total number of San Francisco registered voters stated in the Official Report of Registration on February 10, 2015. CAEC § 9255(c)(2)

Ordinance or Declaration of Policy: proponents must gather at least **9,485** valid signatures of registered San Francisco voters. This number represents 5% of the votes cast for all candidates for Mayor at the most recent municipal election for Mayor.

Introduction

This guide summarizes the procedures and requirements for qualifying Charter Amendments, Initiative Ordinances, and Declarations of Policy for the ballot through the initiative process. 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 an attorney. If there is a conflict between this guide and any applicable law, regulation, or rule, then the law, regulation, or rule applies. The San Francisco Charter and San Francisco Municipal Elections Code are available at amlegal.com. The California Elections Code is available at leginfo.ca.gov.

This guide applies only to the qualification of initiative Charter Amendments, Initiative Ordinances, and Declarations of Policy for San Francisco. For information about the state (rather than local) initiative process, see the Statewide Initiative Guide produced by the California Secretary of State. Visit sos.ca.gov for information.

Note: If you are circulating an initiative petition, you may be required to file campaign financial 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 fppc.ca.gov or the San Francisco Ethics Commission (415) 252-3100 or sfethics.org for more information.

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

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

The Department of Elections strongly recommends that proponents consult 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 any initiative petition that fails 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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Samples:

Request for City Attorney Title and Summary
Notice of Intent to Circulate Petition
Signed Statement - *Proponent, Official, Circulator*
Disclaimer Letter for Petition Circulators
In-Lieu-of-Filing-Fee Petition
Petition Format

I. Summary of Requirements

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

- Proponents 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 Petition." (SFMEC §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)
- In order to qualify for a specific election, the complete initiative petition (which may consist of many separate sections) must be received by the Department of Elections **120 days** before that election. (SFMEC § 300 (c)) Qualified petitions received after the 120-day deadline, but within the 180-day limit, will be placed on the ballot at a later election. (See Signature Requirements: Ordinances and Declarations of Policy, below, for information about qualifying an initiative for a special election.)

A. Signature Requirements: Charter Amendments

To qualify a proposed Charter Amendment for the ballot through the initiative process, the proponent must gather at least **43,280** valid signatures of registered San Francisco voters (as of February 10, 2015). 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 prior to the proponent's submission of the "Notice of Intent to Circulate Petition." (CAEC § 9255(a), (c)(2))

B. Signature Requirements: Ordinances and Declarations of Policy

To qualify a proposed Ordinance or Declaration of Policy for the ballot through the initiative process, the proponent must gather at least **9,485** valid signatures of registered San Francisco voters. This number represents 5% of the votes cast for all candidates for Mayor at the most recent municipal election for Mayor. (SF Charter § 14.101)

To qualify an Initiative Ordinance or Declaration of Policy for submission to the San Francisco voters at a **special election**, the initiative petition must contain valid signatures of at least **18,970** registered voters and an **explicit request** that the Department of Elections submit the initiative measure to the voters at a special election called for this purpose. This number equals 10% of the votes cast for all candidates for Mayor at the most recent municipal election for Mayor. (S.F. Charter § 14.101)

II. Starting the Initiative Process

There are six steps to start the process in order to qualify an initiative Charter Amendment, Initiative Ordinance, or Declaration of Policy for the San Francisco ballot:

1. **Write the Charter Amendment, Initiative Ordinance, or Declaration of Policy.** The Department of Elections strongly advises that the proponent consult an attorney before drafting the text of the proposed ballot measure.
2. **Submit the 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 Petition" signed by at least one, but not more than three, proponent(s). The notice may, but need not, include a written statement of up to 500 words indicating the reasons for the proposed measure (CAEC §§ 9202, 9256; see sample)

- c. A request that the City Attorney prepare a ballot title and summary of the proposed measure. This request must include the proponent's mailing address (CAEC §§ 9203, 9256; see sample)
- d. At the time the request for title and summary is submitted, the proponent(s) must also execute and submit a signed statement related to use of petition signatures (CAEC § 9608; see sample for required verbiage)

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 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. (SFMEC §§ 320, 820, 840; see sample)

Upon receipt of the minimum number of signatures in lieu of the filing fee, or a sufficient combination of signatures and a prorated filing fee, the Director of Elections will provisionally accept the "Notice of Intent to Circulate Petition." (SFMEC § 330 (a))

Within seven days after 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 prorated 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 Petition" and the proponent will forfeit any filing fee paid to the Department. (SFMEC § 330 (a)) The "Notice of Intent to Circulate 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. (SFMEC § 330 (b))

The filing fee is refundable if, within one year of the date of filing the "Notice of Intent to Circulate Petition", the Director of Elections certifies that the initiative qualifies for the ballot. (CAEC §§ 9202, 9256; SFMEC § 320 (a)) The proponent must then submit a written refund request to the Department.

4. Obtain the City Attorney's Title and Summary. Within 15 days after the proposed measure is filed with the Department of Elections (or, if signatures are submitted in lieu of the filing fee, within fifteen days of the certification of the signatures), the City Attorney provides a ballot title and summary of the proposed measure. The ballot title, which may differ from the title given by the proponent, must provide, in 500 words or less, a true and impartial statement of the purpose of the proposed measure. (CAEC §§ 9203, 9256)

If the proponent or any elector disagrees with the City Attorney's title or summary, he or she may file a lawsuit for a writ of mandate requiring the title or summary to be amended. The court will make changes only upon clear and convincing proof that the title or summary is false, misleading, or inconsistent with the requirements of the law. (CAEC §§ 9204, 9256)

5. Publish the "Notice of Intent to Circulate Petition." Before circulating the initiative petition, the proponent must publish, at least once in a newspaper of general circulation, the "Notice of Intent to Circulate Petition" and the City Attorney's title and summary of the proposed measure. It is not required to publish the text of the proposed measure. (CAEC §§ 9205, 9256)

6. Submit proof of publication. Within 10 days after the publication date of the notice, the initiative proponent must submit proof of publication to the Department of Elections; for a Charter Amendment, the proponent must also submit proof of publication to the Clerk of the Board of Supervisors. 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 10-day period, the Department of Elections will not accept the petition for filing.

III. Drafting the Initiative Petition

CAEC §§ 9020, 9201, 9203, 9207, 9257 *et seq.*

There are specific formatting requirements for initiative petitions. Some of the petition requirements for Charter Amendments differ from the requirements for Ordinances and Declarations of Policy; other requirements apply to all initiative petitions.

The Department of Elections cannot accept petitions that do not substantially conform to these requirements. **Please refer to the sample petitions as you review the following steps.**

1. Insert the required heading, title and summary from the City Attorney, introduction, and text of the proposed measure

A. Charter Amendments (CAEC §§ 9207, 9257, 9260):

The petition may be circulated in sections. Each section must consist of sheets of white paper, uniform in size, with dimensions no smaller than 8 1/2 by 11 inches or greater than 8 1/2 by 14 inches. The sheets comprising each section must be fastened together securely during circulation and until filing.

The petition must be in substantially the following form:

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

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

(Insert the title and summary prepared by the City Attorney. Note: this title and summary must also be printed in 12-point or larger roman boldface type across the top of each petition page on which signatures are to appear.)

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 pursuant to Section 1200, 1201, or 1301.

The proposed Charter Amendment reads as follows:

First. *(insert full text of the amendment in 10-point type or larger)*

B. Ordinances and Declarations of Policy (CAEC § 9203 (b)) SFMEC § 340:

The petition must be in substantially the following form:

Initiative Measure to be Submitted Directly to the Voters

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

(Insert the title and summary prepared by the City Attorney. Note: this title and summary must also be printed in 12-point or larger roman boldface type across the top of each petition page on which signatures are to appear.)

(Insert the text of the measure in 8-point or larger type; for Ordinances only, text must be preceded by the words: "Be it ordained by the people of the City and County of San Francisco")

- 2. Insert a copy of the "Notice of Intent to Circulate Petition,"** which must be included in each section of the petition (CAEC § 9207):

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: *(insert optional 500-word statement of reasons, if submitted with the notice.)*

- 3. Insert the following language** in 12-point type, prior to the portion for voter signatures (CAEC 101):

NOTICE TO THE PUBLIC

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

- 4. Create signature box,** following petition sample (CAEC §§ 100, 9020):

- Number the signature spaces consecutively, starting with 1 and continuing through the number of signature spaces allotted to each petition section
- Include space for the voter's printed name, signature, residence address, city and ZIP code
- After each signature space, include a blank space at least one inch wide, for use by Department of Elections' staff

- 5. Insert the "Declaration of Circulator"** (CAEC §§ 104, 9209, 9261)

A declaration of the petition circulator must be included in each section of the petition. Each blank space in the declaration must be completed in the circulator's own handwriting and signed by circulator. The declaration must include:

- The printed name of the circulator
- The residence address of the circulator, including the street number or, if no street or number exists, enough information so that the location can be readily determined
- The dates between which the circulator obtained all the signatures on the petition
- 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 18 years of age or older
- The circulator's statement that, according to his or her best information and belief, each signature is the genuine signature of the person whose name it purports to be
- 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. Requirements Related to Petition Circulators and Signature Gathering

- 1. Complete and submit or collect signed statements related to use of petition signatures.** Prior to circulating or allowing another person to circulate an initiative petition for signatures, both the person, company official, or other organizational officer who is in charge of signature gathering and any paid circulators must execute and submit a signed statement with the required verbiage specified in the "Signed Statement" sample.
 - The statement of the person, company official, or other organizational officer who is in charge of signature gathering must be submitted to the proponent
 - The statement of paid circulators must be submitted to the person, company official, or other organizational officer who is in charge of signature gathering

In either instance, the statement must be kept on file by the recipient 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 election officials.

- 2. Provide instruction to signature gatherers.** The proponent(s) of an initiative measure must 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)
- 3. Ensure that signature gatherers are aware of identification requirements.** Upon request, the Department of Elections will provide 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. (SFMEC § 335) In addition, upon request by any person, petition circulators must disclose the names of the proponents of the petition. (SFMEC § 335)
- 4. Ensure that each circulator correctly completes the "Declaration of Circulator."** 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 declaration attached 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).

V. Frequently Asked Questions about Gathering Signatures and Filing Petitions

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

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

The proponent has a maximum of **180 days** from the date of receipt of the title and summary. (CAEC § 9207, 9265) The proponent may begin circulating the petition as soon as he or she publishes the "Notice of Intent to Circulate Petition" and the City Attorney's title and summary. (CAEC §§ 9207, 9256)

In order for an initiative measure to be included on the ballot, the petition must be submitted **no later than 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 a sufficient number of valid signatures, the proposed measure will be placed on the ballot at a later election. (SFMEC § 300(c))

Who may circulate a local initiative petition?

Any person who is 18 years or older may circulate a petition to place an initiative on the San Francisco ballot. (CAEC §§ 102)

Who may sign an initiative petition?

Any eligible registered voter in San Francisco may sign a petition to place an initiative measure 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)) The Department recommends that circulators keep a small supply of voter registration cards on hand to register anyone who wishes to sign the petition. If the completed voter registration cards are turned in before the petitions are submitted, please advise the Department that voter registration cards are from voters who have signed a petition so that the information will be entered into the database immediately. NOTE: The proponent is responsible for training circulators on proper registration steps. (Refer to "Proponent Guidelines to Registration Drives" on page 11)

What if a voter has moved within the city and does not remember if he or she has updated his or her registration?

As noted above, it is recommended that the circulator have voter registration cards on hand to have the voter complete a new voter registration card to update his or her information.

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 his or her 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 with the Department of Elections. (CAEC §§ 9210, 9265).

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, and the petition cannot be amended except by court order. (CAEC §§ 9210, 9265)

VI. Proponent Guidelines for Registration Drives

1. Each person or entity that pays individuals to register voters shall withhold payment unless the information required by California Elections Code Section 2159 has been affixed personally on the affidavit in the handwriting of the individual. (CAEC § 2159.5)
2. Individuals and organizations that register voters must deliver the executed affidavits to the county elections official or deposit the affidavits in the mail within three days of receipt of the executed affidavit (excluding weekends and holidays). (CAEC § 2138)
3. Each person or entity that pays individuals to register voters shall, at the time of submission of voter registration affidavits to the elections official, identify and separate affidavits that do not comply with certain legal requirements. The person or entity shall attach a signed acknowledgement to each group of affidavits identifying whether the group is in compliance. (CAEC § 2159.5)
4. A person who is paid to register voters must sign the voter registration affidavit and provide his or her full name, telephone number and address, and the name and contact information for the individual or entity that pays for the completed registrations. (CAEC § 2159.5) Failure to comply with these requirements may result in a criminal fine of up to \$1,000 or imprisonment of up to one year or both. (CAEC §18108 (a)) Repeated failure to comply with these requirements may result in a criminal fine of up to \$10,000, imprisonment of up to one year, or both. (CAEC §18108(b))
5. Any person or entity that agrees to pay individuals to register voters by receiving the completed affidavit of registration who fails to comply with California Elections Code Section 2159.5 shall be guilty of a misdemeanor and punished by a fine of up to \$1,000, or imprisonment up to one year, or both. (CAEC §18108.5)
6. No voter registration card shall be altered, defaced, or changed in any way, other than by the insertion of a mailing address and the affixing of postage, if mailed, or as otherwise specifically authorized by the Secretary of State, prior to distribution of the cards. (CAEC §2162)
7. No affidavit of voter registration shall be marked, stamped, or partially or fully completed by any person other than the registrant or by a person assisting the registrant at his or her request. (CAEC §2162)
8. Any person who willfully causes, procures, or allows himself or herself or any other person to be registered as a voter, knowing that he or she or the other person is not entitled to register, is punishable by imprisonment for up to three years. (CAEC §18100)
9. Any person who, without the consent of the registrant, willfully causes the completion, alteration, or defacement of the registrant's party affiliation shall be punishable by imprisonment for up to three years. (CAEC §18106)
10. Any person who knowingly or negligently interferes with the transfer of a completed affidavit of registration to the county election official, or retains a completed affidavit without the voter's consent for more than three days or after the close of registration, or denies a voter the right to return the voter's own completed affidavit, is guilty of a misdemeanor punishable by fine up to \$1,000. (CAEC §18103)

VII. Improper Signature Gathering

CAEC §§ 18600, 18601, 18602, 18603

State election law specifically prohibits the following activities:

- Intentionally misrepresenting or intentionally making any false statement concerning the contents, purport or effect of the petition to any prospective signer (CAEC § 18600 (a))
- Willfully and knowingly circulating, publishing, or exhibiting any false statement or misrepresentation concerning the contents, purport or effect of any petition for the purpose of influencing any person to sign that petition (CAEC § 18600 (b))
- Intentionally making 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 (CAEC § 18600 (c))
- Refusing to allow a prospective signer to read the measure or petition (CAEC § 18601)
- Offering or giving money or other valuable consideration to another in exchange for his or her signature on a petition (CAEC § 18603)
- Soliciting any circulator to affix a false or forged signature to a petition, or to cause or permit a false or forged signature to be affixed (CAEC § 18610)
- Circulating or causing to be circulated any petition, knowing it to contain false, forged, or fictitious names. (CAEC § 18611)
- Knowingly signing one's name more than once to any petition, or signing one's name to a petition knowing that one is not qualified to sign it. (CAEC § 18612)
- Subscribing a fictitious name to any petition, or subscribing the name of another, or causing another to subscribe such a name to that petition (CAEC § 18613)
- Filing a petition with any signature which the person filing the petition knows to be false or fraudulent or not the genuine signature of the person whose name it purports to be. (CAEC § 18614)

For more information about restrictions related to initiative petitions and possible consequences for violation, refer to California Elections Code, Division 18, Chapter 7.

VIII. Verification of Signatures

How long will it take to determine whether there are enough signatures to qualify the proposed measure 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, 9211, 9266; SFMEC § 300(c))

Note: The Department of Elections strongly encourages initiative proponents to separate petition sections into groups with 10 signatures per page, 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 9211, 9266) 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 is 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, 9211, 9266)

Random Sample Example:

- 45,000 valid signatures are needed to qualify; proponent submits 50,000 signatures
- 3% of 50,000 signatures = 1,500 signatures to be checked for validity
- If 750 signatures are found to be invalid out of the 1,500 random sampling, then 50% of the signatures are valid
- The 50% validity rate would be applied to the total submission of 50,000 signatures
- 25,000 signatures are deemed valid under the random sampling rule
- The measure does not qualify because it does not meet the minimum number of valid signatures needed to qualify (45,000)

Proponent Submits: 50,000 signatures	Random Sample: 3% = 1,500	Department of Elections Verifies: 1,500 signatures	If 50% are valid = 25,000 valid signatures
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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 San Francisco
- The signer does not provide a San Francisco home (residence) address on the petition
- The home address provided on the petition is different from the home address listed on the signer's Voter Registration Card
- The home address provided on the petition is a post office box or mail drop
- The signer does not include a signature
- 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
- The petition circulator failed to complete or sign the affidavit portion of the petition

Duplicate Signatures on a Random Sample

Duplicate signatures are weighted more heavily than other types of invalid signatures and, therefore, count more heavily against the total number of valid signatures.

If, within the 3% of the signatures being verified, the petition is found to contain duplicate signatures, the weight of the duplicate signatures and how that value is counted against the number of valid sample signatures is determined by a formula set by the Secretary of State. It is therefore very important for circulators to ask voters whether they have already signed a petition for the same measure, in order to limit the number of duplicate signatures because of the penalty they incur. (CAAC § 20531, CAEC §9217, SFMEC §380)

IX. Submission of Proposed Ballot Measure to the Voters

If an initiative petition contains a sufficient number of signatures to qualify a measure 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 at least **120 days prior to an election**, the measure will qualify for the ballot at that election. (S.F. Charter § 14.101; SFMEC § 300 (c)) If the proponent submits the petition within the 180-day period for gathering signatures but less than 120 days prior to an election, the measure will be submitted to the voters at a future election.

How many votes does it take to adopt a Charter Amendment, Ordinance or Declaration of Policy?

In most cases, a simple majority (50% of the total number of votes cast on the measure, plus one) is required to adopt a ballot measure. (Cal. Const., Art. 11, § 3, CAEC 9217, SFMEC 380)

If adopted by the voters, when will the ballot measure become effective?

Charter Amendments go into effect when the Amendment is filed by the California Secretary of State. (CA Gov't Code §§ 34459, 34460; SFMEC § 380) Ordinances and Declarations of Policy go into effect 10 days after the Board of Supervisors declares the results of the election. (CAEC § 9217, SFMEC §380).

What if the voters adopt two conflicting measures 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 general election. (CA Const., Art. 11, § 3; SFMEC § 360, CAEC 9211)

X. The Voter Information Pamphlet

1. 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:

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

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. (SFMEC § 515)

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.

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. (SFMEC § 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 Department of Elections of his or her interest in a measure. Meeting agendas and related information are posted at *sfelections.org/bsc* as available.

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. (SFMEC § 610) Following the submission of the digests to Department of Elections, there will be a period for public inspection lasting ten calendar days. This inspection period begins at noon 84 days before the election. (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.

2. Ballot Title, Ballot Question, and Financial Analysis

The Director of Elections shall determine the letter designation for each measure (SFMEC § 505), the City Attorney prepares the question or statement that is printed on the ballot for each measure (SFMEC § 510), and the Controller prepares a financial analysis of each measure (SFMEC § 520). The City Attorney and the Controller must complete their work and file the ballot questions or statements and financial analyses with the Director of Elections no fewer than 85 days before the election. These materials are available for public review for ten calendar days immediately following the filing deadline. (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 grounds that the material is false, misleading or inconsistent with the purposes of the voter pamphlet.

3. Submission and Publication of Arguments In Favor of or Against Proposed Ballot Measures; Rebuttals

San Francisco's Voter Information Pamphlet includes arguments in favor of and against local ballot measures. The proponent of an initiative measure has the opportunity to publish an argument in support of the initiative measure free of charge in the Voter Information Pamphlet. If an opponent's argument against the measure is submitted and selected for publication, the proponent also has the opportunity to submit a rebuttal argument in response to the opponent's argument. For more information about ballot arguments, please refer to the Department of Elections' *Ballot Argument Guide*.

XI. Campaign Finance Disclosure and Other Requirements

1. 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 financial 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)

Committees that have raised or spent funds to support or oppose a measure during the signature-gathering period must 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
- 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 email 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 sfethics.org. You may also call the Ethics Commission at (415) 252-3100 with any questions regarding this reporting requirement or other campaign financial disclosure requirements.

2. Campaign Signs

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, contact the San Francisco Department of Public Works at (415) 554-5810, or the California Department of Transportation at (916) 651-9378.

XII. Important Points

- California law prohibits the use of signatures, names, and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuse constitutes a crime under California law. (CAEC§ 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen.37 (1980))
- For campaign disclosure requirements, contact the **San Francisco Ethics Commission** at sfethics.org, (415) 252-3100, or 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102.
- When contacting the Department of Elections, provide the City Attorney's title of the initiative to assist staff to reference the correct file.
- If someone other than the proponent will submit a petition to the Department of Elections, the proponent must provide written authorization which includes the name or names of the persons to file the petition.
- When filing the petition with the Department of Elections, please provide four blank petitions for Department use.

XIII. Samples of Materials for Ballot Initiatives

SAMPLE: Request for City Attorney's Title and Summary

(date)

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

Dear Mr. Arntz:

Enclosed is the text of a proposed (*Charter Amendment / Ordinance / Declaration of Policy*) 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 contact me at:

Telephone number: _____

Email address: _____

Sincerely,

SAMPLE: 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*):

Proponent's name (*print*)

Proponent's signature

Date

Proponent's name (*print*)

Proponent's signature

Date

Proponent's name (*print*)

Proponent's signature

Date

SAMPLE: Signed statement related to use of petition signatures

Proponent's title of measure: _____

City Attorney's title of measure (if available): _____

With regard to the above initiative measure, I am (*check one*):

- A proponent (*submit this completed form to the Department of Elections*)
- A person, company official, or other organizational officer who is in charge of signature gathering (*submit this completed form to the proponent*)
- A paid circulator (*submit this completed form to the person, company official, or other organizational officer who is in charge of signature gathering*)

I, _____, acknowledge that it is a misdemeanor under
print name

state law (California Elections Code Section 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.

Signature

Date

SAMPLE: Initiative Petition for CHARTER AMENDMENTS

Step 1: (this step is different for Charter Amendments and for Ordinances and Declarations of Policy; differences are highlighted)

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

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

(Insert the title and summary prepared by the City Attorney. Note: this title and summary must also be printed in 12-point or larger roman boldface type across the top of each petition page on which signatures are to appear.)

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 pursuant to Section 1200, 1201, or 1301.

The proposed Charter Amendment reads as follows:

First.

(Insert full text of the amendment in 10-point type or larger)

Step 2:

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: *(insert optional 500-word statement of reasons, if submitted with the notice.)*

(Note: the above notice must be included in each section of the petition)

Step 3:

NOTICE TO THE PUBLIC

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

(Note: the above notice must be printed in 12-point type, prior to the portion for voter signatures)

Step 4:

Use Pen Only — Please print all information except the signature.

For office use only:

1.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
2.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
3.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
4.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
5.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	

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

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

(Insert the title and summary prepared by the City Attorney. Note: this title and summary must also be printed in 12-point or larger roman boldface type across the top of each petition page on which signatures are to appear.)

NOTICE TO THE PUBLIC

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

(Note: the above notice must be printed in 12-point type, prior to the portion for voter signatures)

Use Pen Only — Please print all information except the signature.

For office use only:

6.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
7.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
8.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
9.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
10.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
11.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
12.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	

Step 5:

Declaration of Circulator

(To be completed after above signatures have been obtained. Dates of circulation, printed name, and residence address must be in circulator's own handwriting.)

I, _____, am 18 years of age or older. My residence address is
(print name)

_____. I circulated this section of the petition and witnessed each of the appended
(address, city, state, zip)

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 _____.
(month, day, year) (month, day, year)

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

Executed on _____, _____, at _____.
(month and day) (year) (place of signing)

(complete signature, indicating full name of circulator)

To be entered by Department of Elections, after validation:

<u>Date:</u>	<u># Valid in this section:</u>	<u>By Deputy:</u>

SAMPLE: Initiative Petition for ORDINANCES and DECLARATIONS OF POLICY

Step 1: (this step is different for Charter Amendments and for Ordinances and Declarations of Policy; differences are highlighted)

Initiative Measure to be Submitted Directly to the Voters

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

(Insert the title and summary prepared by the City Attorney. Note: this title and summary must also be printed in 12-point or larger roman boldface type across the top of each petition page on which signatures are to appear.)

Be it ordained by the people of the City and County of San Francisco: *(for ordinances only)*

(Insert full text of the amendment in 8-point type or larger)

Step 2:

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: *(insert optional 500-word statement of reasons, if submitted with the notice.)*

(Note: the above notice must be included in each section of the petition)

Step 3:

NOTICE TO THE PUBLIC

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

(Note: the above notice must be printed in 12-point type, prior to the portion for voter signatures)

Step 4:

Use Pen Only — Please print all information except the signature.

For office use only:

1.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
2.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
3.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
4.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
5.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
6.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
7.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	

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

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

(Insert the title and summary prepared by the City Attorney. Note: this title and summary must also be printed in 12-point or larger roman boldface type across the top of each petition page on which signatures are to appear.)

NOTICE TO THE PUBLIC

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

(Note: the above notice must be printed in 12-point type, prior to the portion for voter signatures)

Use Pen Only — Please print all information except the signature.

For office use only:

8.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
9.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
10.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
11.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	
12.	_____ Print Name _____ Sign as registered to vote	_____ Residence Address ONLY _____ City ZIP Code	

Step 5:

Declaration of Circulator

(To be completed after above signatures have been obtained. Dates of circulation, printed name, and residence address must be in circulator's own handwriting.)

I, _____, am 18 years of age or older. My residence address is
(print name)

_____. I circulated this section of the petition and witnessed each of the appended
(address, city, state, zip)

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 _____.
(month, day, year) (month, day, year)

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

Executed on _____, _____, at _____.
(month and day) (year) (place of signing)

(complete signature, indicating full name of circulator)

To be entered by Department of Elections, after validation:

<u>Date:</u>	<u># Valid in this section:</u>	<u>By Deputy:</u>