



*Helping achieve an open and accountable government*

July 17, 2023

San Francisco Board of Supervisors  
Via Email

**RE: FILE NO. 230663 -- Oppose**

Dear Members of the Board of Supervisors:

As sponsor of AB 1416 (Santiago-Chiu-Gonzalez) the *Ballot DISCLOSE Act*, we would like to respectfully request that you not pass the ordinance in File No. 230663 to opt out of AB 1416's addition of short lists of supporters and opponents from the ballot arguments to the ballot for local measures.

San Francisco City Attorney David Chiu was one of the authors of AB 1416, and all three San Francisco legislators voted in favor of the bill. The legislature passed it because, as declared in its findings, *"the identity of those who support and oppose a ballot measure provides voters with extremely important information that helps voters better evaluate and understand the value of the measure and to make more informed decisions on how to vote."*

We hope none of you disagree with that. However, the ordinance in File No. 230663 would deprive voters of precisely that information on local measures in the one place every voter would see it.

The finding in (f) of the proposed ordinance says this would be of *"minimal added benefit to voters in light of the information the Department of Elections already provides in the voter information pamphlet."* However, our polling found that although 79% of likely California voters said it was important to them to know who supports and opposes ballot measures when they vote, only 21% said they were very confident that they know them when they vote.<sup>1</sup>

Worse, 22% of voters say they didn't even know they could find supporters and opponents in the voter guide or where to find them in it.<sup>1</sup> And it's even harder for voters in San Francisco due to the extraordinary length of the San Francisco's Voter Information Pamphlet (VIP) — 239 pages long for the November 2022 general election. Chances are very low that all voters will find and absorb this crucial information that's sprinkled throughout the long and complex text in San Francisco's VIP.

The proposed ordinance's findings cite the Director of Elections' estimate that complying could cost in excess of \$1 million.<sup>2</sup> The stakes of voters not knowing who really supports and opposes local ballot measures is far, far higher. Nearly every election has multiple ballot measures that decide the fate of tens or hundreds of millions of dollars in revenue or costs for the City. Even one of those measures failing because voters don't know where trusted organizations and leaders stand — or a costly measure passing because voters don't know who is against it — costs San Francisco orders of magnitude more than \$1 million.

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<sup>1</sup> Poll of 661 likely Nov. 2020 voters by California Clean Money campaign run from 7/22-8/22/2019.

[http://www.caclean.org/content/pdf/reports/sb90\\_poll\\_results.pdf](http://www.caclean.org/content/pdf/reports/sb90_poll_results.pdf)

<sup>2</sup> Although there's no doubt that in some elections including supporters and opponents for local ballot measures will require an additional ballot page, it's not obvious that will be case in the 2024 or in every following election. On many ballots there is significant unused space left on the ballot pages that should be able to fit the maximum of 273 characters that AB 1416 adds to each local measure ballot label (the words "Supporters:" and "Opponents:" plus a max 125 characters for each list), which AB 1416 allows to use smaller font if needed to save a page.

One good example is Proposition A from the June 2022 ballot. This measure would have authorized \$400 million in bonds to fund public transportation and streets. It failed to reach its required 2/3 vote by 1.56% despite being supported by the mayor, every member of the Board of Supervisors, and almost the entire spectrum of trusted San Francisco organizations. However, many voters who were unaware of or didn't comb through and remember the 124-page June 2022 VIP likely didn't know that. If every voter had seen on the ballot a short list of the most trusted organizations and leaders that supported Prop A — as AB 1416 would ensure if you don't opt out — the outcome could easily have been different.

This example shows the potential for severe unintended costs of opting out. It not only denies voters ready access to information they want when they're voting, but by doing so it means that many voters will make less informed decisions that could end up costing San Francisco far more than it saves.

Perhaps just as bad is the confusion that might result if voters see supporters and opponents on the ballot for state measures but not local measures. As the California Association of Clerks and Elections Officials, representing California's registrars of voters, said in a 2019 letter about an earlier version of AB 1416 (SB 636 of 2019) that would have applied to only state measures and not local measures:

*"...we believe this disparate treatment will lead to voter confusion. Voters do not see much of a difference between state propositions and local measures and they appear directly next to one another for ballot layout purposes. Elections officials will be contacted to answer who are the supporters and opponents for the local contests, diverting resources away from performing election duties."*

These reasons are why AB 1416, amended to default to also require local measures to list supporters and opponents, was supported by a long list of good-government and activist groups including the League of Women Voters of California, California Common Cause, California Environmental Voters, CALPIRG, Indivisible, Public Citizen, and many others — including all of San Francisco's legislators.

The counties of Santa Clara, Los Angeles, and Orange County, among others, have decided not to opt out because they believe it's important that state and local measures be treated consistently, and that voters have this powerful transparency for both. We hope you also value these goals enough not to opt out.

For all these reasons, we respectfully request that you vote "No" on the proposed ordinance in File No. 230663. Or, if you decide there is enough of a budget emergency that San Francisco absolutely can't afford the potential costs in the budget for fiscal years FY 2023-24 and 2024-25, that you amend the ordinance to apply to only to them, and not future years.

At a minimum, we request that you schedule a new public hearing to consider the matter and allow sufficient notice for the public to weigh in. An ordinance with such far-reaching policy ramifications should have a full 30 days before the committee hearing. Waiving the 30-day rule meant that even the Elections Commission wasn't able to discuss the ordinance before the Budget & Appropriations Committee's vote, nor was most of the public even aware of it before the hearing happened.

Sincerely,

David Schmidt  
San Francisco Coordinator  
California Clean Money Campaign