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February 28, 2018

**VIA ELECTRONIC MAIL: PUBLICATIONS@SFGOV.ORG**

Members of the Ballot Simplification Committee--Request for Reconsideration  
c/o Barbara Carr  
Department of Elections  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 48  
San Francisco, CA 94102

**RE: Request for Reconsideration—Approved Digest for “Prohibiting Tobacco Retailers from Selling Flavored Tobacco Products”**

Dear Committee Members:

On behalf of my client, San Francisco Kids vs. Big Tobacco, the committee primarily formed to support upholding the unanimously passed ordinance banning the sale of flavored tobacco products, I write to respectfully request reconsideration of two sentences currently included in the approved digest. We believe that our requested changes will help to provide greater transparency to voters.

The first sentence we request that the Committee reconsider is: “The Way It is Now: In 2017, the Board of Supervisors adopted an Ordinance prohibiting the sale in San Francisco of flavored tobacco products, including menthol and candy-flavored tobacco products.”

We request that the committee consider updating the language to “The Way It is Now: In 2017, the Board of Supervisors unanimously adopted an Ordinance prohibiting the sale in San Francisco of flavored tobacco products, including menthol and candy-flavored tobacco products.”

We are requesting this change because it is important that voters understand that the ordinance sought to be overturned was unanimously approved and overwhelming supported by the elected members of the Board of Supervisors before the tobacco industry paid to gather signatures to send the ordinance to the voters for reconsideration. Voters considering overturning an ordinance have a right to full information regarding the circumstances under which the ordinance was passed. We believe that the ballot digest should include the word “unanimous” in order to provide more transparency to voters.

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The second sentence we are requesting that the Committee reconsider is: “A referendum was filed requiring that the Ordinance be submitted to the voters.”

We request that the committee consider updating the language to: “A referendum was filed and funded by RJ Reynolds Tobacco Company requiring that the Ordinance be submitted to voters.”

We think it is crucial for voters to understand that the tobacco industry was the sole funder of the signature gathering effort. Not only did the tobacco company fund the signature collection process to qualify the referendum, but, according to the latest mandatory report submitted to the San Francisco Ethics Commission, R.J. Reynolds remains the only contributor seeking to continue the allowance of candy-flavored tobacco. As of December 31, 2017, R.J. Reynolds has expended \$3,545,982.95 to fund their campaign.

The fact that RJ Reynolds Tobacco Company is the sole sponsor of this repeal attempt should be transparent in the ballot digest so that voters are aware that attempts to overturn this ordinance have been solely funded by this tobacco company. Indeed, the concept of providing voters access in the ballot pamphlet to information regarding top funders is encompassed in state law, where Elections Code Section 9082.7 requires the Secretary of State to make available online the complete state voter information guide, including a current list of the top 10 contributors supporting or opposing the measure.

Thank you for your consideration our proposed changes. We look forward to answering any follow-up questions from Committee members at the public meeting.

Very truly yours,

**OLSON HAGEL & FISHBURN LLP**



EMILY A. ANDREWS