

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Michael Denny
3329 Cabrillo Street
San Francisco, CA 94121
TELEPHONE NO.: 415-750-9340 FAX NO.:
ATTORNEY FOR (Name):

FOR COURT USE ONLY
ENDORSED FILED
San Francisco County Superior Court
AUG 27 2019
CLERK OF THE COURT
KALENE APOLONIO
BY: Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister St
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco, CA 94102-4515
BRANCH NAME: Civil

CASE NAME:
Michael Denny vs John Arntz, Dennis Herrera and Board of Supervisors

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **CPF-19-516823**
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input checked="" type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 10; Elections Contest, Elections Code 16100(b), 16100(c)
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 27, 2019
Michael Denny

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

ENDORSED
FILED
San Francisco County Superior Court

AUG 27 2019

CLERK OF THE COURT
KALENE APOLONIO

BY: _____ Deputy Clerk

1 Michael Denny
2 IN PRO PER
3 3329 Cabrillo St
4 San Francisco, California
5 Telephone: 415-608-0269
6 E-mail: mike@Dennz.com

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF SAN FRANCISCO

9 Michael Denny; 10 vs. 11 DENNIS HERRERA - CITY 12 John Arntz, 13 Director of Elections; 14 Respondent. 15 Board of Supervisors, City and County of 16 San Francisco 17 Real Party in Interest.	18 Contestants.	19 Case No.: CPF-19-516823 20 VERIFIED PETITION FOR WRIT OF 21 MANDATE 22 IMMEDIATE ACTION REQUIRED: 23 ELECTION LAW MATTER ENTITLED TO 24 CALENDAR PREFERENCE PURSUANT 25 TO C.C.P. § 35, ELECTIONS CODE § 26 9295 & 13314, C.C.P. § 1085, § 1086. 27 Hearing Date: 28 Time: Dept:
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1 I, Michael Denny, declare by this verified petition that I am the Petitioner in the
2 within action. I make this declaration of my own personal knowledge and if called upon to
3 testify thereto I could competently do so.

4 **Introduction**

- 5 1. As used herein, California Constitution sections are designated "CACON," Elections
6 Code sections are designated "EC," Government Code sections are designated
7 "GC," and Code of Civil Procedure sections are designated "CCP," and San
8 Francisco Municipal Elections Code sections are designated "SFMEC." The
9 language to appear on the ballot is designated "Ballot Statement."
10
11 2. First by gross incompetence, and then by complete and total disregard of the
12 Elections Code, Respondent is presently conducting an unlawful election proposing
13 the authorization of general obligation bonds and the corresponding property tax
14 ("Proposition A") for the City and County of San Francisco ("City", real party in
15 interest) for the November 5, 2019 consolidated election ("Election").

1 "Preservation" is neither acquisition nor improvement of real property. Section 3C
2 further defines that half of its allocation will go "to acquire and/or rehabilitate existing
3 housing at risk of losing affordability" and "to assist middle-income City residents or
4 workers in obtaining affordable homeownership or rental opportunities."

5 "Rehabilitate" and "assist" (residents or City workers) are neither acquisition nor
6 improvement of real property.

7 18. Section 3E specifies "to support predevelopment and new construction of permanent
8 affordable housing opportunities." "Predevelopment" is neither acquisition nor
9 improvement of real property.

10 19. Section 3F specifies "to perform audits of the Bond." "Audits" are neither acquisition
11 nor improvement of real property.

12 20. Section 3B, Section 3C, and Section 3E (\$300,000,000 combined) are intended to
13 specifically benefit public employees, the City's workforce.

14 21. Section 18 specifies an intent to "reimburse prior expenditures" of the City. Petitioner
15 believes this section relates to provisions of Title 26 (Internal Revenue Code). The
16 Internal Revenue Code cannot cure restrictions placed on the City by the
17 Constitution. "Prior expenditures" are neither acquisition nor improvement of real
18 property. Furthermore, any expenditures made prior to approval of Proposition A by
19 the voters cannot, by definition, have been ratified by the voters.

20 22. The Ordinance does not contain a severability clause, therefore Proposition A must
21 fail in its entirety and must be stricken from the Election ballot.

22 **Second Cause: Ballot Statement Length**

23 23. The Ballot Statement for Proposition A is specified in Section 8 and consists of 161
24 words for the question and 49 words for the Policy for a total of 210 words when
25 counted in accordance with EC 9. SFMEC 510 provides that measures shall be no
26 longer than 30 words in length and 100 words for complex measures, for a longer
27

sales pitch. The absolute word-count limit for all measures, local and statewide, is 75 words.

"SAN FRANCISCO AFFORDABLE HOUSING BONDS. To finance the construction, development, acquisition, and preservation of housing affordable to extremely-low, low and middle-income households through programs that will prioritize vulnerable populations such as San Francisco's working families, veterans, seniors, and persons with disabilities; to assist in the acquisition, rehabilitation, and preservation of existing affordable housing to prevent the displacement of residents; to repair and reconstruct distressed and dilapidated public housing developments and their underlying infrastructure; to assist the City's middle-income residents or workers in obtaining affordable rental or home ownership opportunities including down payment assistance and support for new construction of affordable housing for San Francisco Unified School District and City College of San Francisco employees; and to pay related costs; shall the City and County of San Francisco issue \$600,000,000 in general obligation bonds with a duration of up to 30 years from the time of issuance, an estimated average tax rate of \$0.019/\$100 of assessed property value, and projected average annual revenues of \$50,000,000, subject to independent citizen oversight and regular audits?"

The City's current debt management policy is to maintain the property tax rate for City general obligation bonds below the 2006 rate by issuing new general obligation bonds as older ones are retired and the tax base grows, though this property tax rate may vary based on other factors.

24. Repeated citing of the City's debt management policy ("Policy") in all the official materials is shameless, illegal advocacy on the ballot and everywhere it's cited. It is an argument (reason) put out by the City to create prejudice in favor of Proposition A. Legally, or in any other way, it means nothing.
25. The tax rate for City general obligation bonds in 2006 was \$96.58 per \$100,000 of assessed property value. [Exhibit I.] Table 1 [Exhibit L] illustrates how the City has failed to perform with respect to its policy in every succeeding year. The Policy is part of the City's sales pitch, on the ballot, for every bond measure. As might be expected, the City Treasurer carefully conceals this information from the taxpayers on the annual property tax bill by combining the City's Proposition 13 tax rate (1%) with a "combined" bonded indebtedness tax rate (Total Rate, below) to camouflage it from all but the most perspicacious taxpayer. Beginning with the 2018-19 property tax bill, the tax rate is omitted completely. [Exhibit M]. After all, what's a few thousand

dollars between friends? What's a policy when you have a world to save?

26. The practical effect of the Policy is to impose a permanent, minimum 10% property tax override (\$100 per \$100,000 of assessed value) on the Proposition 13 tax rate on City taxpayers forever. The backlog of approved-but-unissued bonds is growing every year as new measures are approved by voters. As of April 2018, the backlog was \$1,123,819,550 with \$2,321,026,743 issued bonds outstanding. [Exhibit H.] The City is chomping at the bit to issue an additional \$47,010,000 from the Embarcadero Seawall Earthquake Safety measure (also Proposition A, November 2018), currently subject to an election contest for many of the same reasons this writ has been filed.

Third Cause: Ballot Statement Mandates

27. Respondent is tasked with the duty to run fair and honest elections in conformity with California and City law.

28. EC 13119 controls the form and content of all local ballot statements.

29. EC 13119(a) mandates the form that the ballot statement is to take: "Shall the measure (stating the nature thereof) be adopted?" The Ballot Statement grossly fails to conform to that mandate.

30. EC 13119(b) mandates the tax measures inform the voters "the amount of money to be raised annually and the rate and duration of the tax to be levied." The "duration of up to 30 years from the time of issuance" conflicts with the 22 years from the tax rate statement which reads "(b) The best estimate of the average tax rate for these bonds from FY 2020-2021 through FY 2041-2042 is \$0.01172 per \$100 (\$11.72 per \$100,000) of assessed valuation."

31. EC 13119(c) mandates that a ballot statement "shall be a true and impartial synopsis of the purpose of the proposed measure, and shall be in language that is neither argumentative nor likely to create prejudice for or against the measure." The Ballot Statement is a grossly lengthy sales pitch.

28 would be another illegal use of bond proceeds.

- 1 41. The language "subject to independent citizen oversight" (5 words) is a reason to
2 pass Proposition A.
- 3 42. The language "regular audits" (2 words) is a reason to pass Proposition A. The only
4 mention of audits in the Ordinance is in Section 3F under expenditures of the
5 oversight committee.
- 6 43. The language "The City's current debt management policy is to maintain the property
7 tax rate for City general obligation bonds below the 2006 rate by issuing new general
8 obligation bonds as older ones are retired and the tax base grows, though this
9 property tax rate may vary based on other factors." (49 words) is a reason to pass
10 Proposition A.
- 11 44. That totals 140 words of the 210-word Ballot Statement devoted to argument.
- 12 45. Striking the argument and dropping the orphaned conjunction, the Ballot Statement
13 would read: "SAN FRANCISCO AFFORDABLE HOUSING BONDS. To finance the
14 construction, development, acquisition, and preservation of housing affordable to
15 extremely-low, low and middle-income households and to pay related costs; shall the
16 City and County of San_Francisco issue \$600,000,000 in general obligation bonds
17 with a duration of up to 30 years from the time of issuance, an estimated average tax
18 rate of \$0.019/\$100 of assessed property value, and projected average annual
19 revenues of \$50,000,000?" (69 words)
- 20 46. Striking the unauthorized title, putting it into mandatory form [EC 13119(a)], and
21 changing the internal word "shall," the Ballot Statement would read: "Shall the
22 measure to finance the construction, development, acquisition, and preservation of
23 housing affordable to extremely-low, low and middle-income households and to pay
24 related costs; authorizing the City and County of San Francisco issue \$600,000,000
25 in general obligation bonds with a duration of up to 30 years from the time of
26 issuance, an estimated average tax rate of \$0.019/\$100 of assessed property value,
27 and projected average annual revenues of \$50,000,000 be adopted?" (70 words)

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47. The stripped down Ballot Statement is "a true and impartial synopsis of the purpose of the proposed measure, ... in language that is neither argumentative nor likely to create prejudice for or against the measure." This is exactly what EC 13119(c) requires. It's not a sales pitch using public moneys to pay for the election process.

48. It is not a coincidence that the language that was stripped out is all found in the argument in favor. For each of the eight significant arguments in the Ballot Statement, there is a corresponding argument in the official argument in favor of Proposition A as well as in the paid arguments. For example, "prioritize vulnerable populations such as San Francisco's working families, veterans, seniors, and persons with disabilities" in the Ballot Statement corresponds to "vulnerable communities in need, including low income working families, seniors on a fixed income, and military veterans" in the argument in favor and the Policy corresponds to "NOT raise taxes." The Ordinance also contains language on the same talking points. Placing arguments in the Ordinance does not transform and cure their use as arguments.

49. The evidence that the Ballot Statement, aside from a few required technical details, like the City's name and the amount of the tax, is primarily an argument in favor of passing Proposition A is that almost all the talking points are used and embellished by the proponents in the argument in favor and the paid arguments.

Fourth Cause: Digest ("Impartial Analysis")

50. SFMEC Section 500(c)(3) requires that the voter information pamphlet contain a "digest of each measure" and 500(c)(7) requires the following statement to be printed below the digest. "The above statement is an impartial analysis of Measure _____. The full text of this measure appears at page (insert page number)." Thus the SFMEC models Elections Code 9280 for which it acts as a substitute.

51. The digest inherits the properties of an impartial analysis that the SFMEC does not

28 explicitly address. For all relevant purposes, the digest is an impartial analysis.

1 52. City Attorney is an ex officio member of the Ballot Simplification Committee ("BSC").

2 [SFMEC 600.] The members of the committee, by design, are political appointees
3 and not lawyers.

4 53. EC 9280 requires that "The city attorney shall prepare an impartial analysis of the
5 measure showing the effect of the measure on the existing law and the operation of
6 the measure."

7 54. City Attorney wrote the draft Impartial Analysis [Exhibit B] which the BSC used as the
8 basis to "[p]repare a digest of each measure that will be voted on only in the City and
9 County of San Francisco." [SFMEC 610(a)(1)]

10 55. The BSC, with the acquiescence of City Attorney, converted the draft Impartial
11 Analysis, which was almost imperceptibly argumentative, into a full-fledged argument
12 in favor of Proposition A by its characterizations.

13 56. Mayor London Breed, in a letter dated August 5, 2019 [Exhibit D], attempted to
14 influence the deliberations of the BSC.

15 57. The recording of the BSC meeting concerning Proposition A illustrates the partisan
16 nature of the BSC in operation. From the start, they mention President Yee's request
17 for a change of "legal" to "local" with respect to source of funds. At about 20 minutes
18 the Mayor's representative gets into a conversational exchange with the BSC on the
19 issue of what "preserve" means. Further examples of deference to partisan requests
20 are at 37:50 into the recording, while discussing Breed's request to remove the dollar
21 allocations, a BSC member stated "I just feel the voters are more likely to get on
22 board if they know very specifically how things are being spent;" at 47:30 "What else
23 does the Mayor's office thrown in here that they would like for us to look at?" It's also
24 clear in the discussion of variations in income levels that the BSC doesn't concern
25 itself with the law. In relation to existing law, the 2015 affordable housing bond
26 measure is mentioned, but discarded. The BSC chair has been on the committee for
27 22 years. It's clear the BSC is comfortable with the City taking the lead in what it

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1 wants. The BSC's nominative purpose is to "simplify," thereby throwing the impartial
2 analysis of the law under the bus.

3 **Fifth Cause: Controller's Statement ("Tax Rate Statement")**

4 58. The City has a penchant for intentionally confusing issues by renaming materials that
5 are commonly known by other names in every other county in this state. The
6 "Controller's Statement" [Exhibit E] is the analog of the Tax Rate Statement. No
7 matter what it's called, its contents are prescribed by Chapter 5 of Division 9 of the
8 Elections Code. The tax rate statement is fatally deficient in that it fails to state the
9 best estimate of the total debt service (tax collections) required to repay the bonds
10 as required by EC 9401(a)(3). This is nothing new in the City renowned for sticking
11 its middle finger in the eye of the law. It regularly omits this critical piece of
12 information from bond measures, for example. Proposition A (November 6, 2018).

13
14 **Sixth Cause: Paid Arguments**

15 59. There is no provision in the Elections Code to include paid arguments in the voter
16 information guide. The City is the only jurisdiction in California that prints and
17 circulates paid arguments in favor of or against local ballot measures in its voter
18 information guides.

19 60. EC 9287 (or 9162) provides that the elections official shall select one argument in
20 favor and one argument against a local measure. The signers of the selected
21 arguments may each submit a rebuttal or authorize others to submit a rebuttal. [EC
22 9285 or 9167.] The arguments shall be no longer than 300 words in length and the
23 rebuttals no longer than 250 words in length. Each argument or rebuttal, regardless
24 of the number of signers, is limited to five signers printed in the voter information
25 guide. [EC 9283 or 9164.]

26 61. Respondent plans to print and circulate eighteen individual paid arguments in favor
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28 of Proposition A and one paid argument against Proposition A.

1 62. Respondent charges \$200 for each paid argument plus \$2 per word, up to 300
2 words. [SFMEC 830.] The names of the paid argument signers and their titles or
3 affiliations are included in the word count. The minimum cost for a paid argument of
4 one word is \$202 and the maximum cost for 300 words is \$800.

5 63. The paid arguments are, overwhelmingly, used by campaign committees or
6 government officials or beneficiaries of government expenditures to endorse
7 government-friendly positions or to oppose initiative measures that government
8 officials oppose. At the June 5, 2018 election, there were 95 paid arguments, 82
9 (86.3%) of which, endorsed the government-friendly position. At the November 6,
10 2018 election, there were 68 paid arguments, 51 (75.0%) of which, endorsed the
11 government-friendly position. Contestant requests that the court take judicial notice
12 of the measure materials in the voter information for all the measures on June 5,
13 2018 and November 6, 2018 ballots under Evidence Code sections 451(f), 452(g),
14 452(h), and 453.

15 64. The fair market cost to print and circulate campaign literature, even plain postcards,
16 containing the text of the paid arguments, either individually or collectively, to more
17 than 498,070 voters, by any stretch of the imagination, far exceeds the de minimus
18 fees charged by Respondent -- \$0.0016 (16 one-hundredths of a penny) per voter.
19 The difference between the paid argument fees and the fair market cost of
20 independently printing and circulating campaign literature is a misuse of public
21 moneys, a gift to the Campaign Committee, and an unreported campaign
22 contribution.

23 65. The benefit to the Campaign Committee goes well beyond costs. Piles of campaign
24 literature commonly fill voter mailboxes during any major election. The onslaught of
25 campaign literature induces voter fatigue. As a result, campaign literature may be
26 discarded either intentionally or accidentally. The voter information guide is an official
27 publication. By law it must contain only official matter. The prestige and official nature

28 of the materials printed in the voter information guide carry more weight in the mind
1 of voters than separately printed and circulated campaign literature. The paid
2 arguments are imbued with the official imprimatur, regardless of disclaimers. The
3 paid arguments are physically attached to the other official matter. The paid
4 arguments are contemporaneous with the voters' first official knowledge of the
5 candidates and measures on the ballot. These are three additional, significant,
6 valuable benefits over separately circulated campaign literature.

7 66. The paid argument provisions of the City subsidize the printing and circulation of
8 campaign literature using public moneys.

9 67. Respondent subjects the paid arguments to administrative review [SFMEC 580] and
10 public examination [SFMEC 590(b)(6)] incurring additional expenditure of public
11 moneys.

12 68. EC 9281 (or 9161) preempts the field with respect to arguments, except as to "a
13 particular kind of city measure." SFMEC 560 is a blanket provision applying to all
14 local measures and not for a particular kind of measure and therefore violative of the
15 Elections Code.

16 69. EC 13303(b) provides that: "Only official matter shall be sent out with the county
17 voter information guide as provided by law." EC 9282(e) (or 9162) provides that the
18 "The printed arguments and the analysis are "official matter" within the meaning of
19 Section 13303." The paid arguments are not "official matter."

20 70. Unlike the single argument (EC 9287 or 9162) and rebuttal (EC 9285 or 9167)
21 allotted to each side under the Elections Code, there is no provision to rebut a paid
22 argument.

23 71. Paid arguments are given further benefits. Under SFMEC 535(d), paid arguments
24 may be submitted as late as E-78, while arguments must be submitted no later than
25 E-82. [SFMEC 535(b)(1).]

26 72. On information and belief, Yes on A, Affordable Homes for San Franciscans Now!
27 Committee major funding from: Chris Larsen, Mercy Housing California, and Bridge

28 Housing Corporation ("Campaign Committee") submitted and paid for all eighteen
1 paid arguments appearing in the voter information guide. The City does not require
2 the disclosure of the Campaign Committee, only its top three contributors. [SFMEC
3 560(b).]

4 73. Unlike EC 9162, the City counts the names and titles of all but the first of the signers
5 against the 300 word limit. [SFMEC 530(d) and 575.]

6 74. In the voter information guide, under the heading Local Ballot Measure and
7 Argument Information, Respondent prints: "All arguments are strictly the opinions of
8 their authors. Arguments are printed as submitted, including any typographical,
9 spelling, or grammatical errors. They are not checked for accuracy by the Director of
10 Elections nor any other City agency, official, or employee."

11 75. On each page of the voter information guide that contains arguments or rebuttals,
12 Respondent prints the following disclaimer. "Arguments are the opinions of the
13 authors and have not been checked for accuracy by any official agency. Arguments
14 are printed as submitted. Spelling and grammatical errors have not been corrected."

15 76. Table 2 [Exhibit L] derived from the arguments and rebuttals printed and circulated in
16 the voter information guide, illustrate the overwhelming nature of the measure
17 materials creating prejudice in favor of the proponents of Proposition A.

18 77. A paid argument is an unrestricted campaign message.

19 78. Respondent plans to print and circulate the voter information guides containing the
20 paid arguments to more than 498,070 voters.

21
22 **Prayer for Relief**

23 Wherefore, Petitioner prays that this Court grant the following relief:

- 24 1. Issue a peremptory writ of mandate directing Respondent to cease all actions
25 associated with preparation of Proposition A and strike it from the Election ballot and
26 voter information guide.
27 2. In the alternative, issue a peremptory writ of mandate directing Respondent to (a)

28 conform the Ballot Statement to EC 13119, (b) strike the digest and replace it with it
1 the Impartial Analysis, (c) conform the Tax Rate Statement by including the
2 estimated total principal and interest payments, and (d) to strike the paid arguments.

3 3. Issue a peremptory writ of mandate directing Respondent to reject any attempt by
4 the City to further amend the Ordinance after the August 14, 2019 (E-83) deadline
5 for amendments.

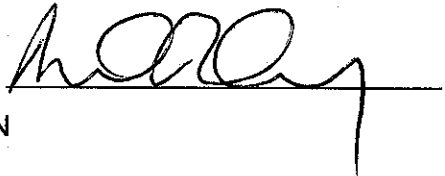
6 4. That, should this Court consider any of these causes moot, that it exercise its
7 discretion to resolve causes that pose issues of continuing public interest that are
8 likely to recur and those claims present questions capable of repetition yet evading
9 review.

10 5. For judgment to Petitioner for his costs.

11 6. For such further relief as this Court deems just and proper.

12 DATED: 27th Day of August 2019

Respectfully submitted,

13
14 Name: 

15 VERIFICATION

16 SUPERIOR COURT OF STATE OF CALIFORNIA)

17 COUNTY OF SAN FRANCISCO)

18 I, Michael Denny, am a Contestant in this action. I have read the foregoing Verified Petition
19 for Writ of Mandate. I am familiar with its contents. The matters stated in the foregoing
20 document are true of my own knowledge, except as to those matters which are therein
21 stated on information and belief, and as to those matters I believe them to be true. I
22 declare under penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct.

24 Executed this 20th Day of March 2019, at San Francisco, California.

25 
26
27 Michael Denny - Pro-Per

Table 1

San Francisco Tax Rates per \$100 Assessed Value 2006 - 2018

FY	City	> 2006	USD	CCD	BART	Total Rate	> 2006
> 2006 shows percentage increase compared to base 2006 tax rate.							
2006-07	0.09657879	--	0.01532351	0.01809770	0.00500000	0.1350	--
2007-08	0.10365766	+ 7.33%	0.01666683	0.01307551	0.00760000	0.1410	+ 4.44%
2008-09	0.10532566	+ 9.06%	0.02737873	0.02129561	0.00900000	0.1630	+20.74%
2009-10	0.10839903	+12.24%	0.02336031	0.02154066	0.00570000	0.1590	+17.78%
2010-11	0.11210000	+16.07%	0.03020000	0.01860000	0.00310000	0.1640	+21.48%
2011-12	0.11470000	+18.76%	0.03340000	0.01960000	0.00410000	0.1718	+27.25%
2012-13	0.10830000	+12.14%	0.03750000	0.01900000	0.00430000	0.1691	+25.26%
2013-14	0.11947956	+23.71%	0.04288739	0.01813305	0.00750000	0.1880	+39.26%
2014-15	0.11945760	+23.69%	0.03326497	0.01707743	0.00450000	0.1743	+29.11%
2015-16	0.11346583	+17.49%	0.05246647	0.01407283	0.00260000	0.1826	+35.26%
2016-17	0.11894004	+23.15%	0.03982180	0.01245918	0.00800000	0.1792	+32.74%
2017-18	0.10740904	+11.21%	0.04517555	0.01135485	0.00840000	0.1723	+27.63%
2018-19	0.10748997	+11.30%	0.03869354	0.00982024	0.00700000	0.1630	+20.74%

Source: Exhibit I h <http://sfcontroller.org/sites/default/files/Documents/Budget>

[/PropertyTaxRevenueAllocation_web_FY2018-19.pdf](#)

Table 2**Proposition A (November 5, 2019) Proponent Arguments Analysis**

Type	Side	Words	Signers	Signer Words	Total Words
Argument	Proponent	251	12*	32	283
Rebuttal to Argument	Proponent	249	6*	39	288
Paid Argument	Proponent	135	1	4	139
Paid Argument	Proponent	77	6*	24	101
Paid Argument	Proponent	57	2	12	69
Paid Argument	Proponent	148	2	13	161
Paid Argument	Proponent	46	7*	27	73
Paid Argument	Proponent	101	5	18	119
Paid Argument	Proponent	55	2	9	64
Paid Argument	Proponent	56	5	33	89
Paid Argument	Proponent	73	8*	41	114
Paid Argument	Proponent	42	12*	46	88
Paid Argument	Proponent	47	6*	31	78
Paid Argument	Proponent	73	9*	34	107
Paid Argument	Proponent	72	5	18	90
Paid Argument	Proponent	82	6*	46	128
Paid Argument	Proponent	62	4	18	80
Paid Argument	Proponent	49	3	16	65
Paid Argument	Proponent	49	2	14	63
Paid Argument	Proponent	58	1	3	61
Proponent Total	20	1782	104	478	2260
* Exceeds 5 signers printed in guide.					

Source: Exhibits F and G