

16-15927

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**EROTIC SERVICE PROVIDER LEGAL,
EDUCATION & RESEARCH PROJECT;
K.L.E.S.; C.V.; J.B.; AND JOHN DOE,**

Plaintiffs and Appellants,

v.

**GEORGE GASCON, in his official
capacity as District Attorney of the City
and County of San Francisco; EDWARD S.
BERBERIAN, JR., in his official capacity
as District Attorney of the County of
Marin; NANCY E. O'MALLEY, in her
official capacity as District Attorney of the
County of Alameda; JILL RAVITCH, in
her official capacity as District Attorney of
the County of Sonoma; and KAMALA D.
HARRIS, in her official capacity as
Attorney General of the State of California,**

Defendants and Appellees.

On Appeal from the United States District Court
for the Northern District of California No. 4:15-CV-01007-JSW
The Honorable Jeffrey S. White, Judge

SUPPLEMENTAL EXCERPTS OF RECORD

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Senior Assistant Attorney General
TAMAR PACHTER
Supervising Deputy Attorney
General

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SUPPLEMENTAL EXCERPTS OF RECORD
TABLE OF CONTENTS

Description	Docket No.	Date	Page
Request for Judicial Notice in Support of Motion to Dismiss	22	05/08/15	SER001- SER052

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 8

9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION
 12

13 **EROTIC SERVICE PROVIDER LEGAL,**
 14 **EDUCATION & RESEARCH PROJECT;**
 15 **K.L.E.S.; C.V.; J.B.; AND JOHN DOE,**
 16 Plaintiffs,

4:15-CV-01007-JSW

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS

17 v.

Date: August 7, 2015
 Time: 9:00 a.m.
 Dept: 5, 2d Floor
 Judge: The Hon. Jeffrey S. White
 Trial Date: None Set
 Action Filed: March 4, 2015

18 **GEORGE GASCON, in his official capacity**
as District Attorney of the City and County
of San Francisco; EDWARD S.
BERBERIAN, JR., in his official capacity as
District Attorney of the County of Marin;
NANCY E. O'MALLEY, in her official
capacity as District Attorney of the County
of Alameda; JILL RAVITCH, in her official
capacity as District Attorney of the County
of Sonoma; and KAMALA D. HARRIS, in
her official capacity as Attorney General of
the State of California,

24 Defendants.
25

1 Pursuant to Rule 201 of the Federal Rules of Evidence, Kamala D. Harris, in her official
2 capacity as Attorney General of the State of California (the “Attorney General”), hereby requests
3 this Court take judicial notice of the following former sections of the California Penal Code:

- 4 1. An excerpt from California Penal Code (1872) containing (former) section 647, a true
5 and correct copy of which is attached as Exhibit A hereto.
- 6 2. An excerpt from California Penal Code (1961) containing (former) section 647, a true
7 and correct copy of which is attached as Exhibit B hereto.

8 The Attorney General further requests that the Court take judicial notice of the 2008 City and
9 County of San Francisco election results relating to Proposition K, , “Changing the Enforcement
10 of Laws Related to Prostitution and Sex Workers, ”reflected in the following documents:

- 11 3. Excerpts from the 2008 San Francisco Voter Information Pamphlet relating to
12 Proposition K, “Changing the Enforcement of Laws Related to Prostitution and Sex
13 Workers.” This document, a true and correct copy of which is attached as Exhibit C
14 hereto, is publicly available at the following internet address: at
15 <http://www.sfgov2.org/index.aspx?page=1793>.
- 16 4. San Francisco City and County Department of Elections, Election Summary,
17 November 4, 2008. This document, a true and correct copy of which is attached as
18 Exhibit D hereto, is publicly available at the following internet address: at
19 <http://www.sfgov2.org/index.aspx?page=1793>.

20 The Attorney General further requests that the Court take judicial notice of the 2004 City of
21 Berkeley election results relating to Measure Q, “Enforcement of State Prostitution Laws
22 (Angel’s Initiative),” reflected in the following documents:

- 23 5. An excerpt from the 2004 Berkeley Voter Information Pamphlet relating to
24 Measure Q, “Enforcement of State Prostitution Laws (Angel’s Initiative).” This
25 document, a true and correct copy of which is attached as Exhibit E hereto, is
26 publicly available at the following internet address:
27 [http://www.ci.berkeley.ca.us/Clerk/Elections/Election_Ballot_Measures_-
28 _November_2004.aspx](http://www.ci.berkeley.ca.us/Clerk/Elections/Election_Ballot_Measures_-_November_2004.aspx).

1 6. City of Berkeley Election Result Archive, General Municipal Election, November 2,
2 2004. This document, a true and correct copy of which is attached as Exhibit F
3 hereto, is publicly available at the following internet address:

4 [http://www.ci.berkeley.ca.us/Clerk/Elections/Election_Election_Results_Archive.as](http://www.ci.berkeley.ca.us/Clerk/Elections/Election_Election_Results_Archive.aspx)
5 [px](http://www.ci.berkeley.ca.us/Clerk/Elections/Election_Election_Results_Archive.aspx).

6 Federal Rule of Evidence 201(b) states that “[a] judicially noticed fact must be one not
7 subject to reasonable dispute that is either (1) generally known within the territorial jurisdiction of
8 the trial court or (2) capable of accurate and ready determination by resort to sources whose
9 accuracy cannot readily be questioned.” Fed. R. Evid. 201(b). This Court “may take judicial
10 notice of ‘matters of public record’ without converting a motion to dismiss into a motion for
11 summary judgment, as long as the facts noticed are not ‘subject to reasonable dispute.’” *Intri-*
12 *Plex Technologies, Inc. v. Crest Grp., Inc.*, 499 F.3d 1048, 1052 (9th Cir. 2007) (quoting *Lee v.*
13 *City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001)); *see also Mack v. S. Bay Beer*
14 *Distributors, Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986), *abrogated on other grounds by Astoria*
15 *Fed. Sav. & Loan Ass'n v. Solimino*, 501 U.S. 104, 107 (1991) (“on a motion to dismiss a court
16 may properly look beyond the complaint to matters of public record and doing so does not
17 convert a Rule 12(b)(6) motion to one for summary judgment”).

18 Exhibits A and B are excerpts from the California Penal Code, matters of public record and
19 part of the legislative history of the current Penal Code section 647. They are not materials
20 subject to reasonable dispute, and are properly subject to judicial notice. *See Anderson v. Holder*,
21 673 F.3d 1089, 1094 n.1 (9th Cir. 2012) (holding that legislative history is properly the subject of
22 judicial notice); *Simpson v. Best Western Int'l, Inc.*, 89 Fed. R. Evid. Serv. 1190 (N.D. Cal. 2012)
23 (granting judicial notice of California Statutes of 1985 and 1990).

24 Exhibits C through F reflect official election results. These, too, are matters of public
25 record, not subject to reasonable dispute and properly subject to judicial notice. *See Romero v.*
26 *City of Pomona*, 883 F.2d 1418, 1420 n.1 (1989), *abrogated on other grounds by Townsend v.*
27 *Holman Consulting Corp.*, 929 F.2d 1358, 1363 (9th Cir. 1991) (noting that the court may take
28 judicial notice of election results contained in the reports of a public body); *In re Yahoo Mail*

1 *Litig.*, 7 F. Supp. 3d 1016, 1025 (N.D. Cal. 2014) (taking judicial notice of matters of public
2 record and materials from publicly accessible websites).

3 For the reasons set forth above, the Request for Judicial Notice should be GRANTED.

4 Dated: May 8, 2015

Respectfully submitted,

5 KAMALA D. HARRIS
6 Attorney General of California
7 TAMAR PACHTER
8 Supervising Deputy Attorney General

9 /s/ Sharon L. O'Grady

10 SHARON L. O'GRADY
11 Deputy Attorney General
12 *Attorneys for Defendant Kamala D. Harris in*
13 *her official capacity as Attorney General*

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13 20726291.doc

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EXHIBIT A

SER005

THE
PENAL CODE
OF
CALIFORNIA.

PUBLISHED UNDER AUTHORITY OF LAW, BY

CREED HAYMOND, } COMMISSIONERS
JOHN C. BURCH, } TO
JOHN H. MCKUNE, } REVISE THE LAWS.

16817

SACRAMENTO:
T. A. SPRINGER, STATE PRINTER.
1872.

SER006

Every person who, by means of any machine, instrument, or contrivance, or in any other manner, fraudulently reads, or attempts to read, any message, or to learn the contents thereof, whilst the same is being sent over any telegraph line, or fraudulently, or clandestinely, learns or attempts to learn the contents or meaning of any message which is in any telegraph office, or is received thereat or sent therefrom, or who uses any such message to use, or communicates to others, any information so obtained, is punishable as provided in

Every person who, by the payment or promise of any bribe, inducement, or reward, procures or attempts to procure any telegraph agent, operator, or clerk to disclose any private message or the contents, substance, or meaning thereof, or offers or attempts to offer any bribe, inducement, or reward to any telegraph agent, operator, or employé, or who receives any bribe, inducement, or reward for the disclosure of any private message or the contents, substance, or meaning thereof, or who uses or attempts to use any such information so obtained, is punishable as provided in Section 639.

Every person who collects any toll, wharfage, or fee, or removes any property from the wharves, piers, or docks, or from any other portion of the water front of San Francisco, or from any of the wharves, piers, or docks, or from any other portion of the water front of San Francisco, without being by such Board authorized, is guilty of a misdemeanor.

Every person who violates any of the provisions of the act relating to sailor boardings in San Francisco, or who receives any reward other than as provided for the performance of any services

under a license issued pursuant to the provisions of such laws, is guilty of a misdemeanor.

644. Every person who entices seamen to desert from any vessel lying in the waters of this State, and on board of which they have shipped for a term or voyage unexpired at the time of such enticement, is guilty of a misdemeanor. *Enticing seamen to desert.*

645. Every person who harbors or secretes any seaman, knowing him to be shipped, and with a view to persuade or enable him to desert, is guilty of a misdemeanor. *Harboring deserting seamen.*

646. Every person who willfully and knowingly aids, assists, or encourages to run away, or who harbors or conceals any person bound or held to service or labor, is guilty of a misdemeanor. *Aiding apprentices to run away or harboring them.*

647. Every person (except a California Indian) without visible means of living, who has the physical ability to work, and who does not for the space of ten days seek employment, nor labor when employment is offered him; every healthy beggar who solicits alms as a business; every person who roams about from place to place without any lawful business; every idle or dissolute person, or associate of known thieves, who wanders about the streets at late or unusual hours of the night, or who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; every lewd and dissolute person, who lives in and about houses of ill-fame, and every common prostitute and common drunkard, is a vagrant, and punishable by imprisonment in the County Jail not exceeding ninety days. *Vagrants.*

648. Every person who makes, issues, or puts in circulation any bill, check, ticket, certificate, prom- *Issuing or circulating paper money.*

EXHIBIT B

SER008

DEERING'S
CALIFORNIA CODES

PENAL CODE
ANNOTATED

OF THE
STATE OF CALIFORNIA

ADOPTED FEBRUARY 14, 1872

WITH AMENDMENTS UP TO AND INCLUDING THOSE
OF THE SECOND EXTRAORDINARY SESSION
OF THE LEGISLATURE, 1960

§§ 485 to 951

ANNOTATED AND INDEXED
BY
THE PUBLISHER'S EDITORIAL STAFF

SAN FRANCISCO
BANCROFT-WHITNEY COMPANY
BENDER-MOSS COMPANY
1961

PROSECUTIONS

[Pt 1, Tit 15

Provisions of this section is guilty by a fine of not less than one hundred dollars (\$100), or not less than 30 days nor more imprisonment at the discretion

HISTORY

Based on Stats 1931 ch 1013 §§ 1, 2 p 91, was enacted 1872 and repealed

REFERENCES

Art I § 13. for taking interest in claim to sue B & P C §§ 6150 et seq.

REFERENCES

Maintenance § 2. § 1, 2, et seq. of sentence which is excessive because

§ 647. Solicitation of Claim Without State

Form set out under § 740. Information and belief that (City of _____, County _____, State of _____), day of _____, 19____, violation of Section 646 of the _____ [he or she or _____] the business of collecting _____ sustained within the State _____ intention of instituting _____ and said right of _____ to wit: _____ to personal service _____ or specify other act

- § 647. [Vagrants enumerated: Punishment.]
1. Every person (except a California Indian) without visible means of living who has the physical ability to work, and who does not seek employment, nor labor when employment is offered him; or,
 2. Every beggar who solicits alms as a business, or,
 3. Every person who roams about from place to place without any lawful business; or,
 4. Every person known to be a pickpocket, thief, burglar or confidence operator, either by his own confession, or by his having been convicted of any of such offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institution, broker's office, place of amusement, auction room, store, shop or crowded thoroughfare, car, or omnibus, or any public gathering or assembly; or,
 5. Every lewd or dissolute person, or every person who loiters in or about public toilets in public parks; or,
 6. Every person who wanders about the streets at late or unusual hours of the night, without any visible or lawful business; or,
 7. Every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or,
 8. Every person who lives in and about houses of ill-fame; or,
 9. Every person who acts as a runner or capper for attorneys in and about police courts or city prisons; or,
 10. Every common prostitute; or,
 11. Every common drunkard; or,
 12. Every person who loiters, prowls or wanders upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof; or who while loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any building or structure located thereon and which is inhabited by human beings, without visible or lawful business with the owner or occupants thereof;
- Is a vagrant, and is punishable by a fine of not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

LEGISLATIVE HISTORY

1. Enacted 1872, the section then reading: "Every person (except a California Indian) without visible means of living, who has the physical ability to work, and who does not for the space of ten days seek employment, nor labor when employment is offered him; every healthy beggar who solicits alms as a business; every person who roams about from place to place without any lawful business; every idle or dissolute person, or associate of known thieves,

§ 647

CRIMES AND PUNISHMENTS

[Pt 1, Tit 15]

who wanders about the streets at late or unusual hours of the night, or who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; every lewd and dissolute person, who lives in and about houses of ill-fame, and every common prostitute and common drunkard, is a vagrant, and punishable by imprisonment in the county jail not exceeding ninety days." Based on Stats 1855 ch 175 § 1 p 217, as amended by Stats 1863 ch 525 § 1 p 770, which read: "All persons (except California Indians) without visible means of living, who have the physical ability to work, and who do not, for the space of ten days, seek employment, nor labor when employment is offered them; all healthy beggars who solicit alms as a business; all persons who roam about from place to place without any lawful business; all idle or dissolute persons, or associates of known thieves who wander about the streets at late or unusual hours of the night, or who lodge in any barn, shed, shop, outhouse, vessel, or place, other than such is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; all lewd and dissolute persons, who live in and about houses of ill fame; and common prostitutes, and common drunkards, may be committed to jail, and sentenced to hard labor, for such time as the Court before whom they are convicted shall think proper, not exceeding ninety days."

2. Amended by Stats 1891 ch 117 § 1 p 130, amending the section to read: "Every person (except a California Indian) without visible means of living, who has the physical ability to work, and who does not seek employment, nor labor when employment is offered him; or,

"2. Every healthy beggar who solicits alms as a business; or,
"3. Every person who roams about from place to place without any lawful business; or,

"4. Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession, or by his having been convicted of either of said offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institution, broker's office, place of public amusement, auction-room, store, shop, or crowded thoroughfare, car, or omnibus, or at any public gathering or assembly; or,

"5. Every idle or dissolute person, or associate of known thieves, who wanders about the streets at late or unusual hours of the night; or,

"6. Every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes without the permission of the owner or party entitled to the possession thereof; or,

"7. Every lewd or dissolute person who lives in and about houses of ill-fame;

or,
"8. Every person who acts as a runner or capper for attorneys in and about police courts or city prisons, in incorporated cities, or cities and counties; or,

"9. Every common prostitute and common drunkard, is a vagrant, and is punishable by imprisonment in the county jail not exceeding six months."

3. Amended by Stats 1903 ch 89 § 1 p 96, amending the section to read: "1. Every person (except a California Indian) without visible means of living who has the physical ability to work, and who does not seek employment nor labor, when employment is offered him; or

"2. Every healthy beggar who solicits alms as a business; or
"3. Every person who roams about from place to place without any lawful business; or

"4. Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession, or by his having been convicted of either of such offenses, and having no visible or lawful means of support, when

PUNISHMENTS

[Pt 1, Tit 15

Ch 2]

MISCELLANEOUS CRIMES

§ 647

or unusual hours of the night, or who
vessel, or place other than such as is
permission of the owner or party entitled
and dissolute person, who lives in and
common prostitute and common drunkard,
in the county jail not exceeding
§ 1 p 217, as amended by Stats 1863
sons (except California Indians) without
physical ability to work, and who do not,
nor labor when employment is
solicit alms as a business; all persons
without any lawful business; all idle or
thieves who wander about the streets
or who lodge in any barn, shed, shop,
kept for lodging purposes, without
entitled to the possession thereof; all
and about houses of ill fame; and com-
may be committed to jail, and sen-
Court before whom they are convicted

190. amending the section to read:
without visible means of living,
does not seek employment, nor

alms as a business; or,
place to place without any lawful

thief, burglar, or confidence op-
having been convicted of either
means of support, when found
depot, banking institution,
store, shop, or crowded
or assembly; or,

known thieves, who wan-
or,
outhouse, vessel, or
about the permission
houses of ill-fame;

and about
counties; or,
and is
months."

to read:
of living
ment nor

lawful
confidence
of either
when

found loitering around any steamboat landing, railroad depot, banking institu-
tion, brokers' office, place of amusement, auction-room, store, shop or crowded
thoroughfare, car or omnibus or at any public gathering or assembly; or

"5. Every idle, or lewd, or dissolute person, or associate of known thieves; or
"6. Every person who wanders about the streets at late or unusual hours of
the night, without any visible or lawful business; or

"7. Every person who lodges in any barn, shed, shop, outhouse, vessel, or
place other than such as is kept for lodging purposes, without the permission of
the owner or party entitled to the possession thereof; or

"8. Every person who lives in and about houses of ill-fame; or
"9. Every person who acts as a runner or capper for attorneys in and about
police courts or city prisons; or

"10. Every common prostitute; or
"11. Every common drunkard, is a vagrant, and is punishable by a fine not
exceeding five hundred dollars, or by imprisonment in the county jail not
exceeding six months, or by both such fine and imprisonment."

4. Amended by Stats 1911 ch 316 § 1 p 508, amending the section to read: "1.
Every person (except a California Indian) without visible means of living who
has the physical ability to work, and who does not seek employment, nor labor
when employment is offered him; or

"2. Every beggar who solicits alms as a business; or,
"3. Every person who roams about from place to place without any lawful
business; or,

"4. Every person known to be a pickpocket, thief, burglar or confidence
operator, either by his own confession, or by his having been convicted of
either of such offenses, and having no visible or lawful means of support, when
found loitering around any steamboat landing, railroad depot, banking institu-
tion, broker's office, place of amusement, auction-room, store, shop or crowded
thoroughfare, car, or omnibus, or any public gathering or assembly; or,

"5. Every idle, or lewd, or dissolute person, or associate of known thieves;
or,
"6. Every person who wanders about the streets at late or unusual hours
of the night, without any visible or lawful business; or,

"7. Every person who lodges in any barn, shed, shop, outhouse, vessel,
or place other than such as is kept for lodging purposes, without the permis-
sion of the owner or party entitled to the possession thereof; or,

"8. Every person who lives in and about houses of ill-fame; or,
"9. Every person who acts as a runner or capper for attorneys in and about
police courts or city prisons; or,

"10. Every common prostitute; or,
"11. Every common drunkard,
"Is a vagrant and is punishable by a fine of not exceeding five hundred dol-
lars, or by imprisonment in the county jail not exceeding six months, or by
both such fine and imprisonment."

5. Amended by Stats 1929 ch 35 § 1 p 78, adding subd 12 to read: "12.
Every person who is a drug addict; provided, that a drug addict within the
meaning of this section, is any person who habitually takes or otherwise uses
narcotics, and such taking or using is such as to endanger the public morals or
health or safety or welfare, or who is so far addicted to the use of such
narcotics as to have lost the power of self-control with reference to his ad-
diction, except that when such user of narcotics is suffering from an incurable
disease or an accident or injury or from the infirmities of age and to whom
such narcotics are furnished, prescribed or administered in good faith and
in the course of his professional practice by a physician duly licensed in this

§ 647

CRIMES AND PUNISHMENTS

[Pt 1, Tit 15]

state and who is in attendance upon such user of narcotics, such person shall not be held to be a drug addict within the meaning of this section."

6. Amended by Stats 1931 ch 288 § 1 p 696, amending subd 12 to read: "12. Every person who is a drug addict; provided, that a drug addict within the meaning of this section, is any person who habitually takes or otherwise uses narcotics, except that when such user of narcotics is suffering from an incurable disease or an accident or injury and to whom such narcotics are furnished, prescribed or administered in good faith and in the course of his professional practice by a physician duly licensed in this state and who is in attendance upon such user of narcotics, such person shall not be held to be a drug addict within the meaning of this section."

7. Amended by Stats 1939 ch 1078 § 1 p 3002, omitting subd 12.

8. Amended by Stats 1947 ch 989 § 1 p 2255, adding a new subd 12.

9. Amended by Stats 1955 ch 169 § 2 p 638, substituting (1) "any" for "either" before "of such offenses" in subd 4; and (2) the present subd 5 for the former subdivision which read: "Every idle, or lewd, or dissolute person, or associate of known thieves."

Note.—See note to § 5 for history of Stats 1901 ch 158 p 433 which amended this section.

CROSS REFERENCES

Crimes against nature, lewd or lascivious acts with children, or sex perversions: §§ 286-288a.
 Registration of persons convicted of this section: § 290.
 Disturbing religious meetings: § 302.
 Indecent exposures, exhibitions, etc.: § 311.
 Keeping or residing in house of ill-fame: § 315.
 Crimes against public peace: §§ 403 et seq.
 Burglary and housebreaking: §§ 459 et seq.
 Loitering about place where school children attend: § 647a.
 Daily reports of violation of subd 5 of this section: §§ 11107.
 Daily copies of fingerprints of persons arrested for commission of offense under subd 5 of this section: § 11112.
 Permitting person to loiter on premises where alcoholic beverages are sold for the purpose of begging or soliciting drinks: B & P C § 25657b.
 Violation of subd 5 of this section as "sex offense" within meaning of Education Code: Ed C § 12912.

COLLATERAL REFERENCES

Cal Jur2d Appeal and Error § 101, Attorneys at Law § 75, Burglary § 45, Criminal Law §§ 2, 110, Indians § 7, Parks, Squares, and Playgrounds § 20, Prostitution and Related Offenses § 3, Schools § 457.
 McKinney's Cal Dig Vagrancy §§ 1-7.
 Am Jur Vagrancy § 1.

Forms:

See form set out below, following Notes of Decisions.

Proof of Facts:

1 Am Jur Proof of Facts, Alcoholism, Proof No. 1 (testimony of physician).

Law Review Articles:

23 CLR 506, 616 (who is a vagrant).
 39 CLR 579 (establishment of vagrant status).
 25 SCLR 75 (development of law of burglary in California).
 9 Hast LJ 237 (vagrancy concept).

EXHIBIT C

DEPARTMENT OF ELECTIONS
City and County of San Francisco
www.sfgov.org/elections



JOHN ARNTZ
Director

NOTE: This version of the Voter Information Pamphlet includes information about all contests for local offices throughout the City and County of San Francisco. Not all voters are eligible to vote on all contests. Your sample ballot includes the contests for which you are eligible to vote. For more information, see your sample ballot, which can be accessed, along with the address of your polling place, at the following address:

<http://gispubweb.sfgov.org/website/pollingplace/>

Also, because this version of the pamphlet is a compilation of the various versions of the printed pamphlets distributed throughout San Francisco, some page numbers are duplicated; the pages are also arranged in a different order from the printed version. For these reasons, we are unable to provide a Table of Contents. To find specific information, please refer to the book-marks on the left side of this file.

Voice (415) 554-4375
Fax (415) 554-7344

1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco CA 94102-4634

Vote-by-Mail Fax (415) 554-4372
TTY (415) 554-4386

SER015

DEPARTMENT OF ELECTIONS
City and County of San Francisco
www.sfgov.org/elections



JOHN ARNTZ
Director

September 5, 2008

Dear San Francisco Voter:

San Francisco held its first Presidential Election in 1852, and as the picture on the cover illustrates, much has changed in the City since that election. As the City has evolved, so have the materials in this Voter Information Pamphlet—one of the nation's largest voter guides—and the materials available on the Department of Elections website. With so much information available, I hope you use this guide and our website as you consider how your vote could affect the City in the coming years.

BALLOT SIMPLIFICATION COMMITTEE

To assist with your decision-making on the local ballot measures, this pamphlet provides a summary of each local measure, called a "Digest." The Digests are crafted by the five San Francisco residents who make up the Ballot Simplification Committee and who have experience in the fields of education and communication. Their challenge is to transform the legal text of each local measure into clear, voter-friendly language. The Committee holds meetings which allow for public comment before the Committee makes its final decisions.

In the past year, San Francisco has conducted five elections, four of which included local measures. For this election alone, the Committee drafted digests for 22 measures. The Committee members deserve special acknowledgement for their tremendous effort and good work.

OUR WEBSITE

As you prepare to decide the City's future, consider visiting the Department of Elections website, which I consider one of the most informative elections websites in California. Some of the resources the site offers are:

- VOTER REGISTRATION LOOKUP:** This new service allows people to check their voter registration status and provides information about how to register or re-register to vote.
- VOTE-BY-MAIL BALLOT STATUS LOOKUP:** This service began recently and allows voters to check both the date the Department mailed their ballot and whether their voted ballot has been received by the Department.
- POLLING PLACE LOOKUP:** Allows voters to locate their polling places, provides a map, and, if polling sites are inaccessible to people with disabilities, provides the nearest accessible polling places within one-quarter mile.
- ONLINE REGISTRATION FORM:** Allows people to complete an online registration form, then print and sign the form before mailing it to the Department.
- PROVISIONAL BALLOT STATUS LOOKUP:** Allows voters who voted provisionally to determine whether their ballots were counted.
- RANKED-CHOICE VOTING INFORMATION:** Voters in 7 of San Francisco's 11 Supervisorial districts will vote for their candidates for the Board of Supervisors using the ranked-choice voting method. Our website includes information on ranked-choice voting, including an interactive demonstration and an explanation of how to correctly mark ballot cards with ranked-choice contests.

VOTING

Please note that the busiest times at the polling places are when the polls open at 7 a.m., then at midday, and after 5 p.m. Before Election Day, however, you can vote by mail or vote at City Hall.

EARLY VOTING AT CITY HALL: Beginning October 6, weekdays (except holidays) from 8 a.m. until 5 p.m., early voting is available in City Hall to all registered voters. On Election Day, City Hall is open for voting from 7 a.m. until 8 p.m.

WEEKEND VOTING AT CITY HALL: Early voting is available in City Hall during the three weekends before the election from 10 a.m. until 4 p.m.: October 18–19, October 25–26, and November 1–2. For weekend voting, please enter City Hall at the Grove Street entrance.

TO CONTACT US

If you have questions or need more information on any issue related to the election, please contact the Department at 554-4375, 554-4367 (Chinese), or 554-4366 (Spanish), or visit our website, www.sfgov.org/elections.

Respectfully,
John Arntz, Director

Voice (415) 554-4375
Fax (415) 554-7344

1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco CA 94102-4634

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Changing the Enforcement of Laws Related to Prostitution and Sex Workers



PROPOSITION K

Shall the City: stop enforcing laws against prostitution; stop funding or supporting the First Offender Prostitution Program or any similar anti-prostitution program; enforce existing criminal laws that prohibit crimes such as battery, extortion and rape, regardless of the victim's status as a sex worker; and fully disclose the investigation and prosecution of violent crimes against sex workers?

YES ←
NO ←

Digest

by the Ballot Simplification Committee

THE WAY IT IS NOW: State and local laws prohibit prostitution. State and federal laws prohibit human trafficking for prostitution or forced labor. Criminal laws also prohibit crimes such as battery, extortion and rape, regardless of the victim's status as a prostitute or sex worker.

In 1994, the Board of Supervisors established a Task Force on Prostitution (Task Force) to examine prostitution in the City and to recommend social and legal reforms. In 1996 the Task Force released a report recommending that:

- City departments stop enforcing and prosecuting prostitution crimes;
- City departments instead focus on neighborhood complaints about quality of life infractions;
- The City redirect funds from prosecution and incarceration to providing services and alternatives for those involved in prostitution.

To date, the City has implemented some of the Task Force's recommendations. In 2003, the City adopted an ordinance transferring the licensing and regulation of massage parlors from the Police Department to the Department of Public Health (DPH). In 2006, DPH adopted another recommendation by establishing an anonymous telephone message line for sex workers to voice concerns about their working conditions.

The District Attorney's office, in cooperation with the Police Department and a local non-profit organization, manages the First Offender Prostitution Program. This is a diversion program with separate programs for prostitutes and clients who have been arrested. It is partially funded by fees from clients who have been arrested.

THE PROPOSAL: Proposition K would prohibit the Police Department from providing resources to investigate and prosecute prostitution. It would also prohibit the Police Department from applying for federal or state funds that involve racial profiling to target alleged trafficking victims and would require any existing funds to implement the Task Force's recommendations.

Proposition K would require the Police Department and the District Attorney to enforce existing criminal laws that prohibit coercion, extortion, battery, rape, sexual assault and other violent crimes, regardless of the victim's status as a sex worker. It also requires these agencies to fully disclose the investigation and prosecution of violent crimes against sex workers.

Proposition K would prohibit the City from funding or supporting the First Offender Prostitution Program or any similar anti-prostitution program.

The Board of Supervisors would be able to amend this measure by a two-thirds vote if it found the amendments would reduce criminalization of prostitution and violence against sex workers.

A "YES" VOTE MEANS: If you vote "yes," you want the City to:

- stop enforcing laws against prostitution,
- stop funding or supporting the First Offender Prostitution Program or any similar anti-prostitution program,
- enforce existing criminal laws that prohibit crimes such as battery, extortion and rape, regardless of the victim's status as a sex worker, and
- fully disclose the investigation and prosecution of violent crimes against sex workers.

A "NO" VOTE MEANS: If you vote "no," you do not want to make these changes.

Notice to Voters:
The "Controller's Statement" and "How K Got on the Ballot" information on this measure appear on the opposite (facing) page.

THIS MEASURE REQUIRES 50%+1 AFFIRMATIVE VOTES TO PASS.

ARGUMENTS FOR AND AGAINST THIS MEASURE IMMEDIATELY FOLLOW THIS PAGE. THE FULL TEXT BEGINS ON PAGE 252.
SOME OF THE WORDS USED IN THE BALLOT DIGEST ARE EXPLAINED ON PAGE 61.

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149



Changing the Enforcement of Laws Related to Prostitution and Sex Workers

Controller's Statement on "K"

City Controller Ben Rosenfield has issued the following statement on the fiscal impact of Proposition K:

Should the proposed ordinance be approved by the voters, in my opinion, costs could increase or decrease depending on how the City implements the ordinance. The ultimate cost or savings from the proposal would depend on decisions made in the City's budget process.

In general, the ordinance proposes to decriminalize prostitution by restricting the City from allocating resources to the investigation and prosecution of prostitutes for prostitution. Investigation and prosecution of other crimes related to prostitution would not be restricted.

The proposed ordinance could result in lower costs related to decreased enforcement by the Police Department and other public safety and justice agencies related to investigating, arresting, prosecuting and jailing sex workers for prostitution. Estimates are that the City spends between \$1.6 million and \$3.2 million on these enforcement efforts annually. However, there is also research showing that decreasing prostitution enforcement could significantly increase other public safety and justice costs as well as costs related to public health, counseling and regulatory activities.

The City would be specifically prohibited from providing support or receiving funds through the First Offender Prostitution Program, which collects fines from clients of prostitutes and uses these funds to educate them about the effects of prostitution among other purposes. In Fiscal Year 2007-2008 public agencies such as the District Attorney and Police Department received approximately \$162,000 from the First Offender Prostitution Program and non-profit organizations received approximately \$85,000 through contracts with the City.

How "K" Got on the Ballot

On July 18, 2008 the Department of Elections certified that the initiative petition calling for Proposition K to be placed on the ballot had a sufficient number of valid signatures to qualify the measure for the ballot.

7,168 signatures were required to place an initiative ordinance on the ballot. This number is equal to 5% of the total number of people who voted for Mayor in 2007. A random check of the signatures submitted by the proponents of the initiative petition prior to the July 7, 2008 submission deadline showed that more than the required number of signatures were valid.

THIS MEASURE REQUIRES 50%+1 AFFIRMATIVE VOTES TO PASS.

ARGUMENTS FOR AND AGAINST THIS MEASURE IMMEDIATELY FOLLOW THE FACING PAGE. THE FULL TEXT BEGINS ON PAGE 252.
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Changing the Enforcement of Laws Related to Prostitution and Sex Workers

PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION K

The current system of criminalized prostitution is not working in San Francisco. It is not working for PROSTITUTES who work consensually nor for those who are abused or coerced. As of this date, there have been no prosecutions for human trafficking in California.

According to the Public Defender's Office "This initiative would not prohibit local law enforcement from enforcing federal law to combat the exploitation of persons who are kidnapped, transported, abused and held captive by sex traffickers."

MEASURE K WOULD enable sex workers, clients and authorities to join forces and challenge abuses. In less criminalized environments, police can also obtain assistance from clients who are often the first to report trafficking or other abuses.

The city spends millions of dollars each year on the revolving door of arrests and operating a shame-based program. Meanwhile there is a record homicide rate. This legislation is about sensible law enforcement, budgeting priorities, and redirecting resources for sex workers and our families. By focusing on equal protection, the whole community's standards will be improved.

A five year study just released in New Zealand where decriminalization has been in place since 2003, found no increase in prostitution, either street or home based. Although the stigma for sex workers had not disappeared, coercion was not widespread, and prostitutes were safer and healthier than before.

This city has a unique opportunity to once again to take the lead in advancing civil rights. Please vote YES on MEASURE K.

*Maxine Doogan, Erotic Service Providers Union
Starchild, Sex Workers Outreach Project Northern California*

REBUTTAL TO PROPONENT'S ARGUMENT IN FAVOR OF PROPOSITION K

Unfortunately, my office sees the faces of women and children being exploited every day. Many are brought to San Francisco against their will by human trafficking rings that force them into sexual slavery. Many speak little English and don't know their rights. Many are victims of pimps who control their lives.

All of them are scared.

Proposition K empowers pimps and human traffickers, allowing them to exploit their victims without repercussion.

If Proposition K passes, San Francisco's justice system will turn a blind eye to those who violate the human rights and dignity of their victims, encouraging these dangerous predators to come to San Francisco.

Proposition K forces police officers to disregard California's prostitution laws, strips ALL funding to investigate human trafficking rings and prevents my office from prosecuting prostitution-related crimes.

This measure will harm prostituted children, for whom enforcement efforts are often the only hope. Only by pursuing and prosecuting abusers can we find these young victims and give them the help they need.

Services will be cut across the board if Proposition K passes. City funding will end for re-education programs like the First Offender Prostitution Program and Early Intervention Prostitution Program.

Proposition K conceals the inhumane nature of prostitution and cripples efforts of law enforcement, human rights groups and social service agencies to assist those seeking to escape.

As a law enforcement officer, a woman and a citizen of San Francisco, I ask you to join me in voting NO on Proposition K.

Kamala Harris, San Francisco District Attorney

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Changing the Enforcement of Laws Related to Prostitution and Sex Workers



OPPONENT'S ARGUMENT AGAINST PROPOSITION K

VOTE NO ON ORDINANCE K

Ordinance K is bad policy because it decriminalization prostitution without any accompanying regulation.

Decriminalization of Prostitution in other states has been accompanied by strict regulations that allow local communities some level of control over the impact of prostitution on the individual communities.

For example, while prostitution in a brothel allows for community input as to **appropriate locations, hours of operation and HIV testing**, this legislation decriminalizes prostitution across the board. There is no differentiation between prostitution that takes place in a hotel room or in a car parked across the street from an elementary school.

Even with the current laws, it is not uncommon for our kids to find used condoms in and around their school. Ordinance K which prohibits law enforcement from allocating resources for investigation and prosecution of prostitution can only make this situation worse.

The San Francisco Police report a large percentage of drug dealers arrested near our BART stations do not live in San Francisco. They use BART to commute to "work" because of real or imagined lax enforcement/prosecution of drugs crimes in San Francisco.

Isolated decriminalization will make San Francisco a magnet for both prostitution and their customers who don't want to risk a night in jail.

Even if you believe in decriminalization, this is bad legislation.

VOTE NO ON ORDINANCE K

Wendy Collins
Member Mission Merchants Association.*

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

REBUTTAL TO OPPONENT'S ARGUMENT AGAINST PROPOSITION K

It is unnecessary to charge people with prostitution in order to enforce existing laws against lewd acts in public, littering, or other "quality of life" offenses.

San Francisco already has a vast number of zoning restrictions and other means of regulating appropriate business locations. These regulations do **not** require criminalizing consensual sex.

The idea that Proposition K will result in an increase in people coming to San Francisco is purely speculative. The truth is that other economic factors impact the already self-regulated sex industry. Contrary to what the opponent infers, the SFPD's CrimeMAPS website, http://www.sfgov.org/site/police_index.asp?id=23813 does **not** show arrests clustered around BART stations.

Additionally, highly regulated environments like the Nevada brothels tend to favor management over workers, and therefore would not be a good match for our city. When workers are evicted from housing, commercial districts and other locations because prostitution is criminalized, the result is that they are trafficked to the streets. Voting Yes on prop K will stop this cycle.

Furthermore, Proposition K will stop another cycle by which the city spends money on condom distribution as a means to promote public health, then the police confiscate these safety devices when arresting people, which is detrimental to worker/public health and safety.

A Yes vote will also stop law enforcement resources from being used to force people into the shame based First Offender Prostitution Program. Sexually shaming people is not a San Francisco value.

The Libertarian and Green parties recommend YES on K.

Amie Chen, educator
*Ted Gullicksen, Tenants Rights**

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Changing the Enforcement of Laws Related to Prostitution and Sex Workers

PAID ARGUMENTS IN FAVOR OF PROPOSITION K

I am a practicing doctor, public health official and university professor. I have worked in STD Prevention for over 15 years and am an expert in sex worker health. I urge San Francisco voters to vote yes on Proposition K to support a measure that will significantly improve the health of and reduce violence against sex workers.

When sex is a crime, as in some countries where homosexuality is criminalized, those who practice criminalized behavior are forced underground, suffer poorer health, increased violence and have more STDs including HIV. My own extensive research in The Philippines and Peru has shown that sex workers who work in decriminalized settings have much lower rates of STDs and HIV. In Australia, New Zealand, Berlin, Thailand, The Netherlands and Nevada counties where sex work is allowed, sex workers are healthier, have lower STD rates including HIV and lower health risks.

Currently in San Francisco the enforcement of anti-prostitution laws results in more violence against sex workers and less condom use during sex. Because law enforcement officials use condoms as evidence of illegal activity, sex workers are less likely to have condoms available or use condoms. In some places in San Francisco sex workers may not have condoms where they work because police may use the presence of condoms to pursue investigations into illegal activity. The decriminalization of prostitution is unlikely to result in more STDs. Actually, decriminalizing prostitution may result in sex workers and their clients getting tested more often and treated faster causing fewer STDs.

Jeffrey D. Klausner, MD, MPH
Director, STD Prevention and Control Services, San Francisco Department of Public Health*
Associate Clinical Professor of Medicine, AIDS and Infectious Diseases, UCSF*
President, California STD Controllers' Association

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

The true source of funds for the printing fee of this argument is Jeffrey D. Klausner, MD, MPH.

San Francisco Student Sex Workers are young adults, entrepreneurs, and activists. As citizens and taxpayers of San Francisco we demand equal rights.

Under current law, workers sexually assaulted on the job cannot go to the police for fear of prosecution. Violent offenders go unpunished.

Criminalization forces us into a black market. Please vote Yes on Proposition K; **our lives depend on it.**

*Patricia West, SFSSW**
*Kayce Povey, SFSSW**

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

The true source of funds for the printing fee of this argument is Patricia West.

Stand With Workers

The biggest obstacle to ensuring the protection of workers in the sex industry is the criminalization of prostitution. The Harvey Milk Club has always stood with workers. Join us in supporting sex workers and helping them to improve their working conditions.

Vote YES on Prop. K!

Harvey Milk LGBT Democratic Club

The true source of funds for the printing fee of this argument is the Harvey Milk LGBT Democratic Club.

There is no social consensus in San Francisco behind criminalizing adults for consensual sex. The Public Defender's Office reports that of 340 prostitution cases it handled last year, only nine went to trial. Not one defendant was convicted by a jury.

Yet according to a 2007 City Budget Analyst's estimate, San Francisco spends \$11.4 million each year arresting and prosecuting sex workers and their clients. Meanwhile, the city faces a budget crisis, with fees being raised and services being cut left and right.

What a waste of resources!

The thousands of prostitution citations issued over the past few years represent tens of thousands of hours spent by police -- often receiving overtime pay -- and prosecutors. These hours could have

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Changing the Enforcement of Laws Related to Prostitution and Sex Workers



PAID ARGUMENTS IN FAVOR OF PROPOSITION K

been better spent investigating and prosecuting homicides, rapes, robberies, and other violent crimes. Last year 99 people were killed. Most of those murders remain unsolved.

Regardless of how you personally feel about prostitution, is this a sensible way to prioritize the allocation of taxpayer resources?

It comes down to this: We can't afford to do everything we might like to do. What is more important to you – reducing violent crime, or prosecuting adults for consensual sex?

If you want to see more resources going to stop violent criminals, VOTE YES ON K!

Starchild,
Outreach Director, Libertarian Party of San Francisco and sex worker*

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

The true sources of funds for the printing fee of this argument are Starchild, Mike Denny and Marcy Barry.

As a San Francisco native who has been providing social services and outreach to indoor and street-based sex workers of all genders and ages for over 13 years I know that **regardless of how sex workers got to their current situation being criminalized is a social injustice with serious public health consequences.**

Prostitutes are victims of abuses including rape, robbery, exploitation and poverty. NONE of this gets better when prostitutes or trafficked victims are criminalized and sent to jail. **A Yes Vote on Proposition K will end the suffering that results from arresting prostitutes.**

The police and prosecutors say they need to arrest and jail adult and child prostitutes to "protect" them from pimps and traffickers. Instead prostitutes are violated and humiliated every time police jail them. Jail means the loss of families, community, housing and other assets, as well as the demoralizing effects such as strip searches and having male officers watch female prisoners shower, dress and use the bathroom. In San Francisco jail the rates of infections like TB, HIV and staph are greater than in the general public, making jail a health risk. NONE of this helps prostitutes or San Francisco.

Because prostitutes are currently criminalized and may go to jail, they are afraid to report abuse like violence and coercion. **Proposition K will NOT cut funding to voluntary programs or funding to pursue traffickers but would change the priority from arresting prostitutes to arresting abusive pimps, brutal rapists and traffickers.** This will allow SFPD more resources to pursue violent crime and permit sex workers to utilize the community services to better their lives.

Naomi Akers, MPH
Executive Director, St. James Infirmary*
Former Executive Director, PROMISE, for women escaping prostitution*
Former Planning Committee Member, Safe House*

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

The true source of funds for the printing fee of this argument is Naomi Akers.

The National Lawyers Guild
San Francisco Bay Area Chapter
Endorses Proposition K

The National Lawyers Guild has been fighting for civil rights and workers' rights since 1937 and we view this endorsement as part of that struggle.

The laws as currently enforced make it harder to stop sex trafficking and child prostitution. **Prosecutions under the California Trafficking Victims Protection Act would increase under this measure.** With the passage of Proposition K, victims of sex trafficking will find it easier to come forward because they do not have to fear arrest or deportation simply because they were engaged in illegal work. Those who are victimized will have a chance for justice.

Proposition K would aid in establishing regulations for the industry, and the application of health and safety standards.

Richard P. "Terry" Koch
Executive Board member, *National Lawyers Guild*

The true source of funds for the printing fee of this argument is Richard P. "Terry" Koch.

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Changing the Enforcement of Laws Related to Prostitution and Sex Workers

PAID ARGUMENTS IN FAVOR OF PROPOSITION K

As a transgender activist, former sex worker and long time consultant on commercial sex work and health services within many communities, **I urge San Francisco to Vote Yes on K.**

Rather than subjecting sex workers to revolving door arrests and criminal records which impedes their ability to find other work, Proposition K would shift priorities to enforcement of crimes against them and badly needed social services.

**This legislation is a good first step.
Please Vote Yes on Proposition K
to support health and safety.**

Tamara Ching

The true source of funds for the printing fee of this argument is Tamara Ching.

Faces are red,
Uniforms are blue,
Fighting prostitution not homicide?!
I'd be embarrassed as hell too!

Please help reduce violence, vote Yes on K!

Phil Berg, Libertarian Candidate for Congress

The true source of funds for the printing fee of this argument is Phil Berg.

Most sex workers are mothers and/or young people working to support ourselves and our families. Criminalization pushes women underground into more isolated areas away from the protection of the community. Putting women in jail for what is essentially consenting sex between adults destroys lives. The money currently spent on prosecuting sex workers should go into supporting women and children and prosecuting rapists and murderers. New Zealand successfully decriminalized prostitution five years ago and found: * No rise in numbers of women working * Women able to report violence without fear of arrest * Let San Francisco be next! Save women's lives, stop enforcement of damaging prostitution laws.

US PROStitutes Collective

The true sources of funds for the printing fee of this argument are individual donations from members of the US PROStitutes Collective.

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Changing the Enforcement of Laws Related to Prostitution and Sex Workers



PAID ARGUMENTS AGAINST PROPOSITION K

San Francisco's Neighborhoods Oppose Prop K

- Proposition K is dangerous for San Francisco neighborhoods because it creates a refuge for sexual predators and human traffickers, putting the safety of every San Franciscan at risk.
- Our neighborhoods will see increases in individuals roaming our streets to solicit prostitutes without fear of prosecution.
- Young women and children could become targets for pimps looking to recruit them into prostitution.
- There are no supporting controls to this ordinance to regulate its impacts.

Vote NO on Prop K!

— Coalition for San Francisco Neighborhoods

The true source of funds for the printing fee of this argument is the Coalition for San Francisco Neighborhoods.

San Francisco's policy to not enforce drug-related laws has led to increased criminal activity. Passage of this measure will have the same effect. This measure also eliminates funding for diversion programs designed to help prostitutes escape from the trade. Vote No on K.

Citizens for a Better San Francisco
(For more information, please visit www.CBSF.net.)
Edward Poole
Michael Antonini
Harmeet Dhillon

The true source of funds for the printing fee of this argument is Citizens for a Better San Francisco.

The three largest contributors to the true source recipient committee are: 1. Charlie Munger Jr, 2. Edward Poole, 3. PG&E.

Proposition K strips San Francisco of ANY ability to investigate and prosecute human trafficking crimes - crimes that we know disproportionately affect women, children and immigrants.

Recently over 100 women were trafficked into the Bay Area, mostly young adults, vulnerable and abused. Should Proposition K pass, victims of human trafficking and forced prostitution like those 100 women would have no protection or support and law

enforcement would be forced to ignore any prostitution-related illegal activities.

To turn a blind eye to women and children who have been exploited in the sex industry is a crime. Proposition K puts women in danger, emboldens their abusers and encourages human traffickers and pimps to seek refuge in our City.

This is a matter of human rights.

I urge you to help protect victims of sex trafficking by joining me, District Attorney Kamala Harris and the San Francisco Police in voting NO on Proposition K.

Supervisor Michela Alioto-Pier

The true source of funds for the printing fee of this argument is No on K: Committee Against Trafficking & Sexual Exploitation.

The three largest contributors to the true source recipient committee are: 1. Coalition Against Trafficking in Women, 2. Twiss Butler, 3. Gloria Steinem.

In 10 years of operations serving homeless women, SafeHouse for Women Leaving Prostitution's client surveys record:

- 75% had extended periods of homelessness
- 90% had major mental health diagnoses
- 90% suffered severe child abuse and/or incest before age 18
- 90% had long-term drug addiction
- 57% never completed high school
- 75% are mothers with children in the system
- They averaged 19 years in prostitution beginning as young as 12.

Proposition K cuts funds for supporting prostituted women in changing their lives. Don't abandon them to pimps and other predators. Vote No on K.

*Elizabeth Boardman, Writer and Peace Activist**
*Maritza Penagos, MSW, MSPH – HIV Services Activist**
*Aileen C. Hernandez, California Women's Agenda**
*Doreen Der-McLeod, Cameron House**
*Glenda Hope, Safehouse for Women**
*Rev. Norman Fong, Chinatown Community Development Corporation**
*Barry Hermanson, Green for Congress**

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PAID ARGUMENTS AGAINST PROPOSITION K

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No on Proposition K!

To ignore a law has consequences.

We must not further erode the safety net of civilized society.

Law abiding citizens have nothing to fear from enforcement of laws.

Harold M. Hoogasian

The true source of funds for the printing fee of this argument is Harold M. Hoogasian.

Proposition K is a trafficker's dream. To pimps and johns, it would declare open season on women and children, putting those involved in prostitution in even more danger and removing them even farther from urgently needed help. Prostitution is an extremely dangerous activity for those in it. They are not any safer if they are offered for sale just like Kleenex, which is what this ballot measure would do.

Most women, men, children, and transgendered individuals who are trapped in prostitution in San Francisco are domestically or internationally trafficked. Having been systematically sexually abused and exploited, 90% of them want to get out of prostitution. Measure K would de-fund educational programs that offer victims of trafficking help and the means to escape. We need more housing, addiction treatment, mental health and job counseling for those in prostitution – not fewer services.

Let's defeat this measure. Let's enforce the existing state laws against pimps, johns, and traffickers. Let's develop a progressive social policy and legal response to the human rights violations of trafficking and prostitution.

*Allen Wilson, Member ACLU**
*Francine Braae, Interim Executive Director SAGE Project**

*Ann Singer, Jewish Coalition to End Human Trafficking**
*Gretchen Richardson, Program Manager, Walden House**
*Roma Guy, Former Health Commissioner**
*Libby Denebeim, Former President, SF BOE**

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The true source of funds for the printing fee of this argument is No on K: Committee Against Trafficking & Sexual Exploitation.

The three largest contributors to the true source recipient committee are: 1. Coalition Against Trafficking in Women, 2. Twiss Butler, 3. Gloria Steinem.

Measure K, if it passes, will damage the most vulnerable among us. It will prevent enforcement of laws against people who violate their human rights.

Measure K will prohibit prostitution investigations. Sex trafficking investigations result from prostitution investigations. Sex traffickers will gain virtual immunity. They know this. Measure K proponents hide it.

Measure K would cripple prosecution of sex traffickers and hobble human rights groups and social service agencies in helping people escape prostitution. Women, children, and immigrants—the vast majority of those in prostitution—will be abandoned, along with their human rights.

Human traffickers often victimize those from a single racial or national group. Under this measure, the San Francisco Police Department could not seek or accept federal funds to investigate organized crime rings exploiting victims of an identifiable race or nationality. Investigations into severe crimes that disproportionately effect women of color, children, and immigrants will be prohibited.

Measure K hides the true nature of prostitution and misrepresents our labor laws. Prostitution is not covered by labor laws because it is known to be so dangerous and degrading that it can never be made safe and nonexploitive.

Sex traffickers flock to destinations where law enforcement ignores prostitution. Please don't vote for Measure K.

*Pamela LoPinto San Francisco United for Women & Neighborhoods**

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Changing the Enforcement of Laws Related to Prostitution and Sex Workers



PAID ARGUMENTS AGAINST PROPOSITION K

Laurie Fields, Dept. of Psychiatry UCSF*
Alicia Boccellari, Trauma Recovery Center*

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

The true source of funds for the printing fee of this argument is No on K: Cmte Against Trafficking & Sexual Exploitation.

The three largest contributors to the true source recipient committee are: 1. Coalition Against Trafficking in Women, 2. Twiss Butler, 3. Gloria Steinem.

Prostitution is a racist, sexist activity that drives human trafficking, a form of slavery.

Trafficked women are primarily women of color or immigrants. San Francisco is a hub for the sex trade in Asians (often captive in massage parlors), Latinos (used in Cantina bar prostitution), and African Americans (often sold on the street).

The first prostituted women in California were trafficked Chinese women. Today we see the same trafficking of Chinese, Korean, Filipina, Thai, and Vietnamese women trafficked by pimps and sold to johns in San Francisco massage parlors and escort prostitution.

Measure K will decriminalize pimps and traffickers. Pimps do not speak for most prostituted people, who are predominantly women of color, trafficked, and poor. Measure K will end funding for educational services that help women and children escape their slavery. We oppose Measure K.

Yasmin Kaderali, Students & Artists Fighting to End Human Slavery*
Aundre Herron
Andrea Bass, San Francisco United for Women & Neighborhoods*
Kathleen Watkins, Prostitution Research & Education*

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

The true source of funds for the printing fee of this argument is No on K: Committee Against Trafficking & Sexual Exploitation.

The three largest contributors to the true source recipient committee are: 1. Coalition Against Trafficking in Women, 2. Twiss Butler, 3. Gloria Steinem.

San Francisco Women Say: Vote No on K

In its official response to Proposition K, the San Francisco District Attorney's office stated:

"The measure is based on the inaccurate and harmful premise that prostitution is a victimless crime. Repeated studies document that the vast majority of prostituted people have been victims of repeated abuse, violence and molestation. Often, they have been coerced, tricked, threatened or beaten into participating in commercial sex. Their "choice" to engage in the commercial sex trade is not meaningful.

Many victims of sexual exploitation and trafficking are children. According to recent studies, the average age that a person enters the commercial sex trade is 13 years old. Our office has encountered prostituted children as young as nine years old. Minors cannot, as a matter of law, consent to molestation. By barring enforcement of laws against prostitution, the measure attempts to place a group of molested children and teens outside the protection of the city's law enforcement system. This would be inhumane and irresponsible."

Join District Attorney Kamala Harris, Supervisor Michela Alioto-Pier, Carmen Chu in VOTING NO ON PROPOSITION K.

Carmen Chu, SF Supervisor
Catherine Dodd RN, Former President SF NOW*
Heidi Machen, President, City Democratic Club*
Sue Lee, Candidate, District One Supervisor*
Mary E. Foley RN, Vice President American Nurses Association*
Judith Berkowitz, Immediate Past President, Coalition for San Francisco Neighborhood*

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Changing the Enforcement of Laws Related to Prostitution and Sex Workers

PAID ARGUMENTS AGAINST PROPOSITION K

Don't turn San Francisco into a sanctuary city for prostitutes.

Prop. K is an irresponsible measure which will hurt our neighborhoods. It would force the City to stop enforcing existing laws on prostitution -- increasing the likelihood for more violent prostitution on our streets. It would also eliminate two programs -- First Offender and Standing Against Global Exploitation (SAGE) -- that work to end sexual exploitation.

No on K

San Francisco Republican Party

Endorsed Candidates

Dana Walsh, Congressional District 8
Conchita Applegate, Assembly District 12*
Harmeet Dhillon, Assembly District 13
Mike DeNunzio, Supervisorial District 3

Officers

Howard Epstein, Chairman
Walter Armer, VC Political Affairs
Janet Campbell, VC - Special Events
Leo Lacayo
Christopher L. Bowman, VC - Precinct Operations

Members

12th Assembly District

Michael Antonini
Terence Faulkner
Stephanie Jeong
Barbara Kiley

13th Assembly District

Alisa Farenzena
Sue C. Woods

*For identification purposes only; author is signing as an individual and not on behalf of an organization.

The true source of funds for the printing fee of this argument is the San Francisco Republican Party.

The three largest contributors to the true source recipient committee are: 1. DGF Y2K Special Purpose Trust, 2. PG&E, 3. CA. Republican Party.

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LEGAL TEXT OF PROPOSITIONS J AND K

policies and provisions of the General Plan and special area neighborhood and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but that concern historic preservation shall be referred to the Historic Preservation Commission for its comment and recommendations prior to action by the Planning Commission. When the Planning Commission recommends to the Board of Supervisors for approval or rejection proposed amendments to the General Plan that concern historic preservation, any recommendation or comments of the Historic Preservation Commission on such proposed amendments shall be forwarded to the Board of Supervisors for its information.

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Historic Preservation Commission regarding effects upon historic or cultural resources: ordinances and resolutions concerning historic preservation issues and historic resources; redevelopment project plans; waterfront land use and project plans; and such other matters as may be prescribed by ordinance. If the Planning Commission is required to take action on the matter, the Historic Preservation Commission shall submit any report to the Planning Commission as well as to the Board of Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the Board of Supervisors.

OTHER DUTIES. For proposed projects that may have an impact on historic or cultural resources, the Historic Preservation Commission shall have the authority to review and comment upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act. The Historic Preservation Commission shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National Historic Preservation Act. The Historic Preservation Commission shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement. The Historic Preservation Commission shall have the authority to oversee and direct the survey and inventory of historic properties.

Once a quorum of members of the Historic Preservation Commission has been originally appointed and approved, the Historic Preservation Commission shall assume any powers and duties assigned to the Landmarks Preservation Advisory Board until the Municipal Code has been amended to reflect the creation of the Historic Preservation Commission.

BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter subsections 4.102(3), 4.102(4), 4.102(5), and 4.102(6) shall not apply to the Historic Preservation Commission. The Historic Preservation Commission may review and make recommendations on the Planning Department budget and on any rates, fees, and similar charges with respect to appropriate items coming within the Historic Preservation Commission's jurisdiction to the department head of the Planning Department or the Planning Commission. The department head of the Planning Department shall assume the powers and duties that would otherwise be executed by an Historic Preservation Commission department head. The Planning Department shall render staff assistance to the Historic Preservation Commission.

PROPOSITION K

Be it ordained by the people of the City and County of San Francisco:

Section 1. Findings

The people of the City and County of San Francisco hereby find and declare:

The San Francisco Task Force on Prostitution was created by the Board of Supervisors in 1996.

According to 1996 statistics compiled by the San Francisco Task Force on Prostitution, the city allocated \$7.6 million annually to law enforcement officials to prosecute prostitution related cases. In 2007, the Budget Analyst's Office estimates that amount to be 11.4 million.

The police department has applied and received additional federal monies in the form of federal grants to racially profile prostitutes for investigation and/or arrest under the guise of rescuing trafficked victims.

The police department targets massage parlor workers and management in numerous sting operations, which result in the loss of economic independence for those workers.

The police department utilizes those same targeted businesses as a means of entertainment for its ranks, as demonstrated in the Bayview Station police videos, made public in December, 2005. This demonstrates a lack of respect for their human dignity, freedom of choice, and labor rights.

The San Francisco police department and the San Francisco District Attorneys office has completely ignored dancers in dance clubs who have made written and tape recorded statements on prostitution, sexual assault, rape, and extortion in the form of the 'pay everyday to work' program.

The San Francisco District Attorneys Office has demonstrated unequal prosecution of the laws regarding prostitution related activity, in that street-based, home-based, massage parlor and out call escort workers are prosecuted to the full extent of the law leading to either the issuance of citations or arrest, yet dance clubs workers and managers are not prosecuted within the full extent of the law when issued citations or arrested. This policy reflects the long standing "Cronyism" between dance club owner/operators and key decision makers.

Article XI of the California Constitution provides Charter created counties with "home rule" powers, allowing counties to enact laws that exclusively apply to residents within their borders, even when such a law conflicts with state law or when state law is silent. San Francisco adopted its most recent comprehensive Charter revision in 1996.

Section 2. Requiring the San Francisco Police Department and San Francisco County Office of the District Attorney to enforce existing laws regardless of the victim's sex worker status.

The San Francisco Police Department, the Office of the District Attorney, and associated law enforcement agencies shall be required to practice consistent and rigorous enforcement against coercion, extortion, battery, rape and other violent crimes, regardless of the victim's status as a sex worker.

The San Francisco Police Department and the Office of the District Attorney shall be required to practice full disclosure in the investigation and prosecution of charges of rape, extortion, sexual assault, and battery against sex workers, exotic dancers or erotic service providers.

Section 3. Requiring the San Francisco Police Department to not use public resources for the purpose of depriving another group of workers their right to negotiate for fair wages and work conditions, regardless of their status as sex workers.

Law enforcement agencies shall not allocate any resources for the investigation and prosecution of prostitutes for prostitution.

San Francisco's law enforcement agencies shall not apply, nor receive federal and state monies that institute racial profiling as a means of targeting alleged trafficked victims under the guise of enforcing the abate-



LEGAL TEXT OF PROPOSITIONS K AND L

ment of prostitution laws. Those funds shall instead be reallocated toward the implementation of the recommendations of the San Francisco Board of Supervisors' 1996 San Francisco Task Force on Prostitution Report and Human Rights Commission, which address the issue, and recommend policies to reduce, institutional violence and discrimination against prostitutes.

Section 4. Prostitution Shall Be Decriminalized.

The San Francisco Police Department, San Francisco County Office of the District Attorney, the SAGE Project, Inc., nor any other agency of the City and County of San Francisco or their designates, shall not subject sex-workers to life long economic discrimination associated with having a criminal record. The City and County of San Francisco shall not support either economically or through legislation the "First Offenders" program or any similar intentioned program that forces sex workers into re-education programs. Furthermore, the City and County of San Francisco, its agencies, departments, representatives and their designates shall not profit from the criminalization of prostitution, or from anti-prostitution programs such as the "First Offender" program where costs are assessed and collected, then split by the participating agencies.

Section 5. Effective Date.

This ordinance shall become effective on January 1, 2009

Section 6. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this ordinance shall be deemed severable.

Section 7. Amendment.

By a two-thirds vote and upon making findings, the Board of Supervisors may amend this ordinance in the furtherance of reducing the criminalization and violence against sex-workers.

PROPOSITION L

NOTE: At the direction of the Office of the City Attorney, the Department of Elections has corrected a typographical error in Proposition L. The text of Proposition L has been corrected to state that it would add Chapter 30A, Section 30A.1, instead of Chapter 30, Section 30.1, to the San Francisco Administrative Code.

Ordinance amending the San Francisco Administrative Code by adding Chapter 30A, Section 30A.1, to authorize the creation of the San Francisco Community Justice Center in collaboration with the Superior Court, to address crimes that negatively impact the quality of life of those living and working in the Tenderloin, South of Market, Civic Center, and Union Square neighborhoods. The Center is authorized to use proven tools to encourage misdemeanor and non-violent felony offenders to get judicial adjudication and social services in one location with the intent to improve the neighborhood. Following extensive review and community input, this ordinance authorizes the Director of Property to enter into a lease, sublease or other property-related agreement to house the City services provided in connection with the Center, authorizes various tenant improvements, appropriates funding for the Center for fiscal year 2008-2009, and authorizes additional actions consistent with this ordinance.

Note: Additions are single-underline italics Times New Roman; deletions are ~~strikethrough italics Times New Roman~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Chapter 30A, Section 30A.1, to read as follows:

SEC. 30A.1. COMMUNITY JUSTICE CENTER.**(a) Findings.**

(1) The Community Justice Center ("CJC"), a collaboration between the Superior Court of California, County of San Francisco ("Superior Court"), and the City and County of San Francisco ("City"), is a community-based effort to end the cycle of criminal conduct for defendants charged with misdemeanors and non-violent felonies who would benefit from social and health services. The CJC will house a courtroom in close proximity to City social and health services to provide immediate services and case management support to individuals brought before the CJC.

(2) The CJC will include a Superior Court courtroom, located at 575 Polk Street, dedicated to hearing misdemeanors, non-violent felonies, and other suitable criminal cases that arise in the Tenderloin, South of Market Area, Civic Center and Union Square neighborhoods of San Francisco. This area is the location of over one-quarter of all crimes in the City, a high percentage of crimes related to alcohol and drug use, and a high percentage of residents who are unemployed or live below the federal poverty level.

(3) In the CJC, a single judicial officer will preside and make decisions to help ensure that individuals appear in court, obtain services as needed to address underlying causes of criminal behavior, and, if guilty of illegal activity, serve a sentence that holds them accountable with proportional sentences, which could include making amends for damage to the community.

(4) The public entities involved in the creation of the CJC studied similar courts in other cities, met with members associated with more than 100 different community organizations in San Francisco, and in January 2008 issued a final evaluation that provides a compelling case for creating a community justice center in San Francisco.

(5) The goal of the CJC is to provide the criminal justice system a point of intervention that will allow it to better address the needs of its defendants by linking them to appropriate services. The CJC is a community-based court that aims to improve public trust and confidence in the judicial system. It seeks to strengthen the community by transforming individual lives and by bringing the criminal justice and social service systems and the community together to address neighborhood problems and public safety concerns. The CJC will have an Advisory Board that will include members of stakeholder agencies and members of the community.

(b) Community Justice Center.

(1) The City, through the Office of the Mayor, is authorized to collaborate with the Superior Court in the establishment of the CJC.

(2) The court in the CJC will hear criminal cases in which the defendant is charged with misdemeanors, non-violent felonies, and any other crimes deemed appropriate by the City and Superior Court.

(3) The court in the CJC will hear criminal cases within in the following areas of the City: the Tenderloin, South of Market, Civic Center, Union Square and any other areas of the City deemed appropriate by the City and the Superior Court.

(4) The CJC facilities will consist of: one or more Superior Court courtrooms in which CJC cases are adjudicated, and a secure area for holding defendants charged with a crime; space in close proximity to the court for the provision of administrative, social, health, and community services to both defendants charged with crimes and to community members at large; and any other facilities deemed appropriate by the City and the Superior Court.

(5) The City is authorized to provide, through City departments, non-profit agencies or City contractors, the following services through the CJC: security, transport of prisoners, personal counseling, sub-



EXHIBIT D

SFGov Accessibility



CITY & COUNTY OF SAN FRANCISCO

Election Summary - November 4, 2008

**City and County of San Francisco
Consolidated Presidential General Election
November 4, 2008**
Election Summary

Go To:

| Election Summary | Neighborhood Statistics |
| RCV 1 | RCV 3 | RCV 4 | RCV 5 | RCV 7 | RCV 9 | RCV 11 |
| CityWide RCV Ballot Image Report (ZIP) |

For information about candidates and measures see Candidates & Campaigns.
Local measures titles (PDF) State propositions titles (Secretary of State)

Official Results as of 12/2/2008 3:13 PM**Total Registration and
Turnout**

Registration	477,651	
Total Ballots Cast	388,112	81.25 %
Election Day Reporting	209,527	
Vote by Mail / Absentee Reporting	178,585	

President and Vice President

580 out of 580 precincts (100.00 %)

	Votes	Percent
JOHN MCCAIN AND SARAH PALIN	52,292	13.62 %
CYNTHIA MCKINNEY AND ROSA CLEMENTE	1,743	0.45 %
ALAN KEYES AND WILEY S. DRAKE, SR.	424	0.11 %
RALPH NADER AND MATT GONZALEZ	3,946	1.03 %
BARACK OBAMA AND JOE BIDEN	322,220	83.96 %
BOB BARR AND WAYNE A. ROOT	1,786	0.47 %
WRITE-IN	931	0.24 %
CHUCK BALDWIN AND DARRELL CASTLE	37	0.01 %
JAMES HARRIS AND ALYSON KENNEDY	14	0.00 %
FRANK MOORE AND SUSAN BLOCK	5	0.00 %
RON PAUL AND GAIL LIGHTFOOT	398	0.10 %

US Representative, District 08

473 out of 473 precincts (100.00 %)

	Votes	Percent
DANA WALSH	27,614	9.67 %
CINDY SHEEHAN	46,118	16.14 %
NANCY PELOSI	204,996	71.76 %
PHILIP Z. BERG	6,504	2.28 %
WRITE-IN	417	0.15 %
MICHELLE WONG CLAY	4	0.00 %
LEA SHERMAN	11	0.00 %

US Representative, District 12

107 out of 107 precincts (100.00 %)

	Votes	Percent
JACKIE SPEIER	47,268	77.33 %
NATHALIE HRIZI	1,663	2.72 %
BARRY HERMANSON	2,216	3.63 %
GREG CONLON	8,384	13.72 %
KEVIN DEMPSEY PETERSON	1,447	2.37 %
WRITE-IN	144	0.24 %

State Senate, District 03

328 out of 328 precincts (100.00 %)

	Votes	Percent
SASHI MCENTEE	26,146	13.14 %
MARK LENO	172,432	86.63 %
WRITE-IN	472	0.24 %

State Assembly, District 12

250 out of 250 precincts (100.00 %)

	Votes	Percent
CONCHITA APPLGATE	23,071	16.57 %
FIONA MA	115,606	83.03 %
WRITE-IN	561	0.40 %

State Assembly, District 13

330 out of 330 precincts (100.00 %)

	Votes	Percent
TOM AMMIANO	162,977	83.12 %
HARMEET K. DHILLON	32,552	16.60 %
WRITE-IN	537	0.27 %

Superior Court Judge, Seat 12

580 out of 580 precincts (100.00 %)

	Votes	Percent
THOMAS MELLON	134,339	46.00 %
GERARDO C. SANDOVAL	156,227	53.50 %
WRITE-IN	1,449	0.50 %

Member, Board of Education

580 out of 580 precincts (100.00 %)

Vote For 4

	Votes	Percent
JAYNRY MAK	71,238	8.17 %
EMILY M. MURASE	52,506	6.02 %
KELLY WALLACE	15,374	1.76 %
KIMBERLY WICOFF	51,021	5.85 %
JILL WYNNS	77,849	8.92 %
ALEXANDER LEE	23,462	2.69 %
BARBARA "BOBBI" LOPEZ	72,606	8.32 %
GLENN DAVIS	18,858	2.16 %
SANDRA LEE FEWER	115,192	13.21 %
NORMAN YEE	145,232	16.65 %
JAMES M. CALLOWAY	56,276	6.45 %
MARIGRACE COHEN	39,279	4.50 %
OMAR KHALIF	24,669	2.83 %
RACHEL NORTON	76,904	8.82 %
H. BROWN	28,760	3.30 %
WRITE-IN	3,110	0.36 %

Member, Community College Board

580 out of 580 precincts (100.00 %)

Vote For 4

	Votes	Percent
RODEL RODIS	59,878	8.16 %
MILTON MARKS	150,593	20.53 %

BRUCE WOLFE	70,447	9.60 %
CHRIS JACKSON	91,765	12.51 %
MARY T. HERNANDEZ	85,440	11.65 %
ROBERTO FIGUEROA	41,273	5.63 %
CARL KOEHLER	25,658	3.50 %
STEVE NGO	89,445	12.19 %
NATALIE BERG	116,309	15.85 %
WRITE-IN	2,876	0.39 %

BART Director, District 7

55 out of 55 precincts (100.00 %)

	Votes	Percent
MARSHALL WALKER III	5,052	24.87 %
LYNETTE SWEET	15,093	74.31 %
WRITE-IN	167	0.82 %

BART Director, District 9

267 out of 267 precincts (100.00 %)

	Votes	Percent
TOM RADULOVICH	90,911	84.20 %
PETER A. KLIVANS	16,281	15.08 %
WRITE-IN	774	0.72 %

Board of Supervisors, District 1

49 out of 49 precincts (100.00 %)

	Votes	Percent
ERIC MAR	11,625	40.52 %
ALICIA WANG	4,206	14.66 %
JASON JUNGREIS	610	2.13 %
BRIAN J. LARKIN	995	3.47 %
SUE LEE	9,733	33.93 %
SHERMAN R. D'SILVA	254	0.89 %
GEORGE FLAMIK	324	1.13 %
FIDEL CHRYS GAKUBA	361	1.26 %
NICHOLAS C. BELLONI	536	1.87 %
WRITE-IN	42	0.15 %

Board of Supervisors, District 3

45 out of 45 precincts (100.00 %)

	Votes	Percent
DENISE MCCARTHY	3,165	11.69 %
LYNN JEFFERSON	1,234	4.56 %
JOSEPH ALIOTO, JR.	6,268	23.16 %
MIKE DENUNZIO	1,330	4.91 %
TONY GANTNER	1,191	4.40 %
DAVID CHIU	10,209	37.72 %
CLAUDINE CHENG	2,492	9.21 %
WILMA PANG	939	3.47 %
MARK QUESSEY	204	0.75 %
WRITE-IN	35	0.13 %

Board of Supervisors, District 4

46 out of 46 precincts (100.00 %)

	Votes	Percent
RON DUDUM	10,304	35.15 %
DAVE FERGUSON	3,606	12.30 %
CARMEN CHU	15,353	52.37 %
WRITE-IN	53	0.18 %

Board of Supervisors, District 5

66 out of 66 precincts (100.00 %)

	Votes	Percent
ROSS MIRKARIMI	27,482	77.39 %
ROB ANDERSON	1,982	5.58 %
OWEN P. O'DONNELL	5,962	16.79 %
WRITE-IN	87	0.24 %

Board of Supervisors, District 7

59 out of 59 precincts (100.00 %)

	Votes	Percent
BILLY BOB WHITMER	2,964	9.57 %
JULIAN P. LAGOS	5,792	18.69 %
SEAN R. ELSBERND	22,019	71.06 %
WRITE-IN	211	0.68 %

Board of Supervisors, District 9

42 out of 42 precincts (100.00 %)

	Votes	Percent
EVA ROYALE	1,830	6.94 %
VERN MATHEWS	466	1.77 %
MARK SANCHEZ	7,616	28.86 %
ERIC STOREY	802	3.04 %
TOM VALTIN	857	3.25 %
DAVID CAMPOS	9,440	35.78 %
ERIC QUEZADA	5,337	20.23 %
WRITE-IN	39	0.15 %

Board of Supervisors, District 11

43 out of 43 precincts (100.00 %)

	Votes	Percent
JULIO RAMOS	3,626	14.78 %
AHSHA SAFAI	5,941	24.21 %
MYRNA LIM	4,442	18.10 %
ELI M. HORN	391	1.59 %
JOHN AVALOS	6,918	28.19 %
MARY GOODNATURE	455	1.85 %
RANDY KNOX	2,324	9.47 %
ADRIAN BERMUDEZ	410	1.67 %
WRITE-IN	24	0.10 %
A. JACKSON MATTESON	6	0.02 %

PROPOSITION 1A

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	282,091	78.33 %
No	78,024	21.67 %

PROPOSITION 2

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	259,828	72.39 %
No	99,110	27.61 %

PROPOSITION 3

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	206,825	59.53 %
No	140,590	40.47 %

PROPOSITION 4

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	89,333	24.67 %
No	272,717	75.33 %

PROPOSITION 5

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	212,229	60.40 %
No	139,148	39.60 %

PROPOSITION 6

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	69,527	20.66 %
No	266,972	79.34 %

PROPOSITION 7

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	108,433	31.20 %
No	239,068	68.80 %

PROPOSITION 8

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	92,536	24.81 %
No	280,491	75.19 %

PROPOSITION 9

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	123,376	36.89 %
No	211,062	63.11 %

PROPOSITION 10

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	122,588	35.78 %
No	219,986	64.22 %

PROPOSITION 11

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	119,902	36.94 %
No	204,690	63.06 %

PROPOSITION 12

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	229,090	68.07 %
No	107,446	31.93 %

MEASURE A

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	300,595	83.81 %
No	58,049	16.19 %

MEASURE B

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	166,299	47.81 %
No	181,534	52.19 %

MEASURE C

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	124,395	38.06 %
No	202,419	61.94 %

MEASURE D

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	226,513	68.07 %
No	106,228	31.93 %

MEASURE E

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	195,605	60.10 %
No	129,862	39.90 %

MEASURE F

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	144,592	45.00 %
No	176,692	55.00 %

MEASURE G

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	202,011	62.47 %
No	121,354	37.53 %

MEASURE H

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	133,214	38.62 %
No	211,681	61.38 %

MEASURE I

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	117,050	36.71 %
No	201,811	63.29 %

MEASURE J

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	183,372	55.64 %
No	146,194	44.36 %

MEASURE K

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	140,185	40.94 %
No	202,235	59.06 %

MEASURE L

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	132,097	42.54 %
No	178,440	57.46 %

MEASURE M

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	195,023	58.84 %
No	136,416	41.16 %

MEASURE N

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	223,808	68.56 %
No	102,621	31.44 %

MEASURE O

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	208,044	66.74 %
No	103,679	33.26 %

MEASURE P

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	101,230	32.99 %
No	205,665	67.01 %

MEASURE Q

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	233,411	74.20 %
No	81,178	25.80 %

MEASURE R

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	101,376	30.25 %
No	233,733	69.75 %

MEASURE S

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	167,974	55.66 %
No	133,817	44.34 %

MEASURE T

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	200,649	61.24 %
No	127,014	38.76 %

MEASURE U

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	193,407	59.25 %
No	133,002	40.75 %

MEASURE V

580 out of 580 precincts (100.00 %)

	Votes	Percent
Yes	179,639	54.63 %
No	149,169	45.37 %

EXHIBIT E

Ballot Measure Q: Enforcement of State Prostitution Laws (Angel's Initiative)

TITLE

Shall an ordinance be adopted to: 1) make enforcement of prostitution laws the lowest priority; 2) oppose state laws making prostitution a crime; and 3) require semi-annual reporting of prostitution-related Berkeley Police Department law enforcement activities?

Financial Implications

Possible increases in law enforcement costs as a result of potential increase in prostitution-related crime and increased reporting requirements.

Ballot Measure Q: Enforcement of State Prostitution Laws (Angel's Initiative)

TEXT OF INITIATIVE ORDINANCE

INITIATIVE ORDINANCE TO MAKE ENFORCEMENT OF STATE PROSTITUTION LAWS THE LOWEST PRIORITY; OPPOSE STATE LAWS MAKING PROSTITUTION A CRIME; AND REQUIRE SEMI-ANNUAL REPORTING OF PROSTITUTION-RELATED LAW ENFORCEMENT ACTIVITIES BY BERKELEY POLICE DEPARTMENT

Shall the City of Berkeley help stop violence against women, demand that the State of California repeal laws that prohibit private consensual adult sexual behavior and that treat women unfairly, make enforcing those laws a low police priority, and cease wasting vital funds?

WHEREAS, Persons should never be forced into having sex or doing any other act against their will, whether by force or fraud, and whether they are adults or children.

WHEREAS, Laws that make criminals of adults for having consensual sex have a profound effect on the safety and well being of those adults, with all that imports for the dignity of the persons charged. When victims of such laws receive criminal convictions, collateral consequences always follow; and

WHEREAS, Such consequences include the marginalizing of those individuals, negatively impacting their safety and access to health education and services, and preventing them from obtaining other employment due to the stigma and status of a criminal conviction; and

WHEREAS, The State of California, and the City of Berkeley face a severe financial crisis, and should not allocate precious resources for the senseless enforcement of victimless crimes; and

WHEREAS, Persons who provide sexual services should have the right to report any crimes perpetrated against them, and any crimes they witness, without fear of subjecting themselves to prosecution for admitting to being sex workers; and

WHEREAS, The harms of such sanctioned discrimination are best evidenced by the brutal hate crimes perpetrated against prostitutes and women. A recently convicted serial murderer confessed that he "picked prostitutes as my victims because I hate most prostitutes and because I thought I could kill as many of them as I wanted without getting caught." Prostitutes are human beings. Criminalizing their work implies they are second class citizens subhuman and thus legitimate targets of physical violence and hatred; and

WHEREAS, Persons who provide sexual services should have the right to declare sex work as a legitimate vocation and source of income to financial institutions including lending organizations, credit facilities, and the California Franchise Tax Board; and

WHEREAS, The American Law Institute promulgated a Model Penal Code and made clear that it did not recommend or provide for "criminal penalties for consensual sexual relations conducted in private." It justified its decision on three grounds: (1) The prohibitions undermined

Ballot Measure Q: Enforcement of State Prostitution Laws (Angel's Initiative)

respect for the law by penalizing conduct many people engaged in; (2) the statutes regulated private conduct not harmful to others; and (3) the laws were arbitrarily enforced and thus invited the danger of blackmail; and

WHEREAS, Article I of the Constitution of California decrees that all people are by nature free and independent and have inalienable rights. Among these are pursuing and obtaining safety, happiness, and privacy; and

WHEREAS, The Supreme Court of the United States has recently lauded "emerging awareness that liberty gives substantial protection to adult persons in deciding how to conduct their private lives in matters pertaining to sex," that people "are entitled to respect for their private lives," and the "State cannot demean their existence or control their destiny by making their private sexual conduct a crime."

NOW THEREFORE BE IT RESOLVED by the City of Berkeley that a new chapter 12.27 entitled "Angel's Initiative" is added to the Berkeley Municipal Code to read as follows:

Chapter 12.27 "Angel's Initiative"

12.27.010 Purpose.

The unjust laws criminalizing consensual sexual activity among adults in private whether for money or any other consideration must be repealed.

Brutal hate crimes routinely perpetrated against prostitutes reveal how such laws disenfranchise and foster discrimination against persons, especially women, and do more to harm Berkeley citizens than protect them.

We demand the reform of sex laws, and the return of our basic freedoms of life, liberty, and the pursuit of happiness.

The ordinance codified in this chapter will:

A. Decrease tensions between the police and members of the community who are made to feel like criminals as a result of engaging in consensual adult sexual activity in private;

B. Require the Police Department to submit semi-annual reports on the amount of arrests made by law enforcement in Berkeley;

C. Instruct the City government to support efforts toward the statewide repeal of prostitution laws.

Ballot Measure Q: Enforcement of State Prostitution Laws (Angel's Initiative)

12.27.020 Definitions.

For purposes of this chapter, "prostitution" means any consensual sexual activity among or between adults whether for money or any other consideration.

For purposes of this chapter, nonconsensual sex acts, whether perpetrated by fraud, threat of force, or force, as well as any sex acts perpetrated against minors are not "prostitution," and are referred to instead as "criminal sexual acts," collectively.

For purposes of this chapter, "prostitution laws" mean the portions of Sections 266, 266d, 266e, 266f, 266h, 266i, 315, 316, 318, 647, 653.20, 653.22, 653.23, and 653.28 of the California Penal Code which criminalize sexual activity among or between consenting adults whether for money or any other consideration.

For purposes of this chapter, "prostitution laws" does not mean the portions of those sections, or any other sections of California law that prohibit criminal sexual acts as defined in this chapter.

12.27.030 Efforts to decriminalize prostitution in California.

It is the desire of the people of Berkeley that laws prohibiting or regulating private consensual sexual activity between or among adults be repealed in California. In this context, the people of Berkeley fully support the present statewide efforts to repeal prostitution laws. The City Council is directed to lobby in favor of the repeal of these laws.

12.27.040 Law enforcement priority of prostitution statutes.

The City Council shall seek to ensure that the Berkeley Police Department gives lowest priority to the enforcement of prostitution laws. If other portions of the Berkeley Municipal Code require "lowest priority" enforcement levels, such as the enforcement of marijuana laws, this section shall not be construed to elevate enforcement efforts against those acts. Instead, this section shall be interpreted to require equally low priority for the enforcement of "lowest priority" acts.

12.27.050 Berkeley Police Department reporting requirement.

The City Council shall ensure that the Berkeley Police Department reports semiannually to it and the Berkeley Police Review Commission regarding all prostitution law enforcement activities, if any, engaged in by the Berkeley Police Department, and by county, state, and federal, and/or other law enforcement agencies within Berkeley.

Ballot Measure Q: Enforcement of State Prostitution Laws (Angel's Initiative)

12.27.060 Severability.

If any provision of this ordinance, or the application of such provision to any person or circumstance, shall be held invalid by any court, the remainder of this ordinance to the extent that it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the sections of this ordinance are severable.

BE IT FINALLY RESOLVED, that the City Clerk is directed to transmit this resolution to all City departments, the courts, the Governor and the Attorney General of the State of California, to all members of the California Congressional delegation, the United States Attorney General, and the President of the United States of America.

Ballot Measure Q: Enforcement of State Prostitution Laws (Angel's Initiative)

CITY ATTORNEY'S ANALYSIS

INITIATIVE ORDINANCE TO MAKE ENFORCEMENT OF STATE PROSTITUTION LAWS THE LOWEST PRIORITY; OPPOSE STATE LAWS MAKING PROSTITUTION A CRIME; AND REQUIRE SEMI-ANNUAL REPORTING OF PROSTITUTION-RELATED LAW ENFORCEMENT ACTIVITIES BY BERKELEY POLICE DEPARTMENT

This ordinance would: 1) declare that the people of the City of Berkeley oppose California state laws making prostitution a crime; 2) direct the City Council to lobby in favor of the repeal of such laws; and 3) make enforcement of existing prostitution laws the lowest priority of the Berkeley Police Department. ("BPD") BPD would also be required to report semi-annually to the City Council and the City's Police Review Commission regarding all prostitution law enforcement activities by the BPD. According to the BPD, its failure to enforce prostitution laws in Berkeley could draw prostitution and related crime to the City. The BPD reports that the City could experience an increase in robberies, sexual assaults, thefts, batteries/assaults, noise/disturbing the peace calls, litter, and other such crimes, associated with prostitution, in affected areas of South and West Berkeley and possibly other parts of the City.

Financial Implications

Possible increases in prostitution-related crime and related law enforcement costs.

ARGUMENT IN FAVOR OF MEASURE Q

- **Stop violence against women.** Did you know that the number one cause of death for prostitutes is homicide? Prostitutes are extremely vulnerable targets for rape, robbery and murder. These crimes go largely under-reported because of current prostitution laws. Protecting prostitutes doesn't mean condoning prostitution; it means equal protection under the law and safer streets for everyone.
- **Improve public health.** Condoms are currently used as evidence of a crime against prostitutes. Laws should encourage condom use as they saves lives and protects everyone's health. Regulating prostitution decreases incidence of HIV, AIDS and STD's.
- **Improve public safety** by focusing on violent and serious crime. Redirect valuable police resources, in the process empowering women to fight sexual slavery. Trafficking and slavery are easier to detect when prostitution is regulated.
- **Education not incarceration.** According to estimates Berkeley spends nearly \$1,000,000.00 annually on prostitution enforcement. We need to redirect funds toward health services and job training to create options and opportunities for prostitutes. Criminal records make transitioning out of prostitution very difficult.

Putting women in jail doesn't stop prostitution. Prosecution is no solution to controlling prostitution.

Join State Senator John Burton, Alameda County Supervisors Keith Carson and Nate Miley, Former S.F. District Attorney Terence Hallinan and the Alameda Co. Green Party leading the way toward more humane, effective policy in their support of this ground breaking initiative.

Don't Forget: Great Change Begins in Berkeley.

Vote YES on Measure Q

s/AVAREN IPSEN, Ph.D. Candidate (G.T.U.) and Berkeley Commission on Status of Women
s/LOIS ROWAN, Retired Union Journalist, International Federation of Engineers (IFPTE) AFL-CIO

s/boona cheema, Executive Director, Building Opportunities for Self-Sufficiency (BOSS)
s/BEATRICE MORRIS, Physician Assistant, Mdivinity Pacific School of Religion
s/JERRY THREET, Former President, Harvey Milk LGBT Democratic Club

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Q

VOTE NO ON MEASURE Q

Street prostitutes are exposed to dangerous exploitation, physical abuse, drug addiction, and HIV. This is what motivated the well-intentioned supporters of this measure to place it on the ballot. But **reduced enforcement against street prostitution will not accomplish their goals.**

If passage of one simple ballot measure could end violence against women, improve public health and safety, and substitute education for incarceration, we'd have passed it long ago.

Much deeper reform is needed. And that is a tall order that reduced enforcement will not achieve.

Instead, **reduced enforcement will expose our children to more open sex acts in cars and alleys**, more used condoms and needles littering their streets. This really happens in Southwest Berkeley neighborhoods.

Reduced enforcement will increase street prostitution and only make it easier.

Thanks to Berkeley's successful Options Recovery Program, some street prostitutes have a choice: the courts can say "enter the Options program or go to jail." The program often leads to meaningful work, clean and sober living, reunion with families--a wonderful thing to witness. Only judges' orders keep clients in the program and **only enforcement produces those orders.**

Supporters mistakenly claim that funds can be switched from police to health care, but Berkeley must pay the same number of police no matter what they do.

This measure spotlights the horrors of street prostitution but it doesn't advance the goals of safe sex-work. It doesn't make street prostitutes or neighborhoods any safer. PLEASE VOTE NO ON MEASURE Q.

s/MAUELLE SHIREK, Vice-Mayor, City of Berkeley

s/DESTINY CASTELLANOS, Teaching Assistant, Center for the Education of the Infant Deaf

s/EUGENE AGRESS, CEO, Berkeley Mills and Furniture Company

s/FRANKIE LEE FRASER, President, San Pablo Park Neighborhood Council

s/MARGARET BRELAND, Councilmember

ARGUMENT AGAINST MEASURE Q

VOTE NO ON MEASURE Q

Street prostitution is nothing to celebrate. Prostitutes, often among the most vulnerable people in our society, risk violence, exploitation, sexually transmitted disease, and drug addiction. Shelter and drug counselors report that children as young as 12 are being recruited into prostitution.

Berkeley is a humane city. We recognize that consenting adults should be free to engage in sexual activity without harassment. We sympathize with the plight of street prostitutes. We want to ensure that they are not forced into prostitution through desperation and that they have other options. **This simplistic measure does not accomplish that.** Instead, it weakens the one vehicle we have for getting people help and into programs: the courts. We need to strengthen these programs and create protections for prostitutes. **This measure does nothing more than ask us to look the other way.**

Measure Q does not improve the appalling conditions that entrap prostitutes and is bad for Berkeley. Because this measure qualified for the ballot, CNN and other TV stations carried the story that Berkeley allows prostitution. Our Police Chief has since reported a marked increase in prostitution along San Pablo, west Berkeley neighborhood streets, and on University Avenue. South Berkeley neighborhoods, deluged by open sexual acts near homes and schools (including the Center for the Education of the Infant Deaf and the East Bay French American School) in cars and on porches, report that condoms and needles litter their sidewalks.

As Oakland cracks down on prostitution, Berkeley appears to be opening its arms. This measure sends the message that exploitative, dangerous street prostitution is acceptable in Berkeley. It weakens our existing court diversion program. It sends the wrong message for sex workers, for our children, and for Berkeley.

Measure Q is not for Berkeley. VOTE NO ON MEASURE Q

s/REV. GEORGE CRESPIAN, Pastor, St. Joseph the Worker Church

s/DR. DAVIDA COADY, Options Recovery Services

s/MARGARET BRELAND, Councilmember

s/DION ARONER, Former State Assemblywoman

s/JOHN SELAWSKY, President, Berkeley Unified School District

REBUTTAL TO ARGUMENT AGAINST MEASURE Q

- **No prison for prostitutes.** Police should deal with criminal matters, removing violent and serious felons from our streets. Focus on abuse of children, coercive and exploitative behavior not consensual adult sexual activity.
- **Encourage statewide reform.** Angel's Initiative will help create a favorable political environment for changing state prostitution laws; however it won't stop police from responding to neighborhood complaints or enforcing state laws.
- **Regional approach to prostitution.** Berkeley won't be alone as we join the international ranks of humane leadership on the issue of prostitution. The U.K., Canada, New Zealand, Australia, the Netherlands, Germany and Nevada have already realized the law enforcement approach is harmful and ineffective. Let's work toward a regional approach with Oakland and San Francisco.

Don't Look the other way, look *another way* at this issue. Angel's Initiative puts Berkeley in a leadership role to stop violence against women and enhance public health in our communities. It's time we increased the value placed on women's lives, take the time and work together to create real solutions not temporary ones. **Focus on Problems not Prostitutes.**

Please join State Senator John Burton, Alameda County Supervisors Keith Carson and Nate Miley, Former S.F. District Attorney Terence Hallinan, the Alameda Co. Green Party, Dean of the Pacific School of Religion, Delwin Brown and Berkeley Physician Dr. Frank Lucido laying the groundwork for meaningful social change in California.

Vote YES on Measure Q

Visit www.swop-usa.org or call 1-877-776-2004 for more info.

Great Change Begins in Berkeley!

s/YING LEE, Former Councilmember, City of Berkeley
s/DEBORAH COHAN, M.D., MPH, Asst. Clinical Professor, UCSF
s/LEE TRAMPLEASURE AMOSSLEE, Berkeley High School Teacher, 1996-2004
s/AVAREN IPSEN, Ph.D. Candidate, Graduate, Theological Union, Commission on the Status
of Women
s/JANE MAXWELL, Mourning Mothers, Code Pink

EXHIBIT F



City of Berkeley
General Municipal Election - November 2, 2004
Official Results, Updated November 30, 2004

****Elected**

10 Precincts		
District 2	Votes Cast	Percent (%) of Total
Sharon Kidd	1,454	29.47%
Darryl Moore**	3,436	69.65%
Write-in	43	0.87%
Total	4,933	100.00%

9 Precincts		
District 3	Votes Cast	Percent (%) of Total
Maxwell Anderson**	2,970	57.45%
Jeffrey Benefiel	111	2.15%
Laura Menard	1,776	34.35%
Write-in	313	6.05%
Total	5,170	100.00%

12 Precincts		
District 5	Votes Cast	Percent (%) of Total
Laurie Capitelli**	4,482	57.82%
Barbara Gilbert	2,031	26.20%
Jesse Townley	1,229	15.86%
Write-in	9	0.12%
Total	7,751	100.00%

12 Precincts		
District 6	Votes Cast	Percent (%) of Total
Betty Olds**	5,787	79.70%
Norine Smith	1,334	18.37%
Write-in	140	1.93%
Total	7,261	100.00%

88 Precincts		
Rent Board (Top 4)	Votes Cast	Percent (%) of Total
Jesse Arreguin**	21,836	21.76%
Jack Harrison**	18,961	18.90%
Seth Morris	13,694	13.65%
Jason Overman**	22,991	22.91%
Eleanor Walden**	21,993	21.92%
Write-in	865	0.86%

****Elected**

2180 Milvia Street, Berkeley, CA 94704 * Tel: (510) 981-6900 * TDD: (510) 981-6903 * Fax: (510) 981-6901
 E-Mail: clerk@ci.berkeley.ca.us * Website: <http://www.ci.berkeley.ca.us/clerk>

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SER051



City of Berkeley
General Municipal Election - November 2, 2004
Official Results, Updated November 30, 2004

****Elected**

88 Precincts		
School Board (Top 2)	Votes Cast	Percent (%) of Total
Karen Hemphill	15,764	21.65%
Merrilie Mitchell	5,138	7.06%
Joaquin Rivera**	19,979	27.43%
Kalima Rose	15,335	21.06%
John Selawsky**	16,366	22.47%
Write-in	242	0.33%

****Measure Passed**

88 Precincts						
Measure	Votes For	% For	Votes Against	% Against	Total Votes	
**B Protecting Quality Education in Berkeley's Public Schools Act of 2004 (2/3 Vote)	38,089	72.20%	14,669	27.80%	52,758	
H Public Financing of Election Campaigns	20,269	40.92%	29,265	59.08%	49,534	
**I Date of Mayoral Elections	35,198	72.28%	13,498	27.72%	48,696	
J Utility Users Tax	18,764	37.37%	31,449	62.63%	50,213	
K Real Property Transfer Tax for Youth Services (2/3 Vote)	27,731	54.28%	23,358	45.72%	51,089	
L Library Services Tax (2/3 Vote)	26,027	51.01%	25,001	48.99%	51,028	
M Emergency Medical Services Tax (2/3 Vote)	22,426	45.43%	26,934	54.57%	49,360	
**N Gann Override	38,578	79.77%	9,783	20.23%	48,361	
**O Rent Ceilings - Annual General Adjustments	34,407	74.69%	11,660	25.31%	46,067	
**P Rent Stabilization and Eviction for Good Cause Ordinance	30,392	66.94%	15,011	33.06%	45,403	
Q Enforcement of State Prostitution Laws (Angel's Initiative)	18,516	36.49%	32,225	63.51%	50,741	
R Patient's Access to Medical Cannabis Act of 2004	24,976	49.81%	25,167	50.19%	50,143	
S Public Tree Act of 2004	13,354	27.58%	35,072	72.42%	48,426	

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SER052

CERTIFICATE OF SERVICE

Case Name: **Erotic Service Provider Legal,
Education & Research Project,
et al. v. Gascon, et al.** No. **16-15927**

I hereby certify that on November 30, 2016, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

SUPPLEMENTAL EXCERPTS OF RECORD

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 30, 2016, at San Francisco, California.

Susan Chiang

Declarant

s/ Susan Chiang

Signature