
From: Nat Sillin
To: John Whitehurst; Mark Mosher
Sent: 4/13/2019 6:58:06 AM
Subject: Re: Thoughts on the ballot measures

Thanks John, and thanks to you both for taking the time to go and cut ads on such a short turn. Let's discuss on Monday.

From: John Whitehurst <johnw@bowl.net>
Sent: Saturday, April 13, 2019 12:00 AM
To: Mark Mosher; Nat Sillin
Subject: Thoughts on the ballot measures

Nat and Mark,

After reviewing the poll and watching two focus groups, I have a few thoughts I want to share with you.

These are notes and not fully developed ideas or strategies, nor are they in any particular order.

1. The primary (not the only) objective of the political campaign and public affairs effort will be to eliminate a ban and defend against other harmful actions against Juul. This will be at the BOS or through a referendum and ballot measure (s)
 2. The ballot question for the referendum will be: "Shall the voters of the city and county of San Francisco adopt a ban on e-cigarettes?" Vote Yes or No. Voters vote on referenda in terms of adopting a proposed ordinance. Therefore, we should stop discussing the referendum as "e-cigarettes have been banned, should we repeal the ban." That is not only not advantageous to our position but it isn't how the VOTERS will receive the issue on the ballot. They (the voters) will get to vote to enact or reject the proposed banned — NOT repeal an existing ban.
 3. Juul can win a referendum and its chances are more likely if there is an accompanying measure on the ballot with it. Voters aren't in love with "bans" but they hate cigarette companies more and they hate teen use more.
- So the message tracks during a campaign need to be more complicated than ban the product the cigarette company is making that hurt our kids or support choice. With a second measure requiring restrictions etc. it will make it easier to have a larger conversation about choice, getting off cigs, and protecting kids. So - we don't need to ban - we need to regulate the shit out of it so it doesn't hurt our kids.
4. Another approach is with a tax measure accompanying the referendum on the ban. Tax the product and help the kids. There are two strategies there to get a 50% threshold for a yes vote - by petition (if the Upland case holds) or by an A + B strategy, where Prop A is a tax on e-cigs that go to the "general fund" and Prop B that is an advisory vote to the Sups to spend the money generated by Prop. A to provide education programs to keep kids off of e-cigs and promote healthy lifestyles.

With either secondary measure on the same ballot we will create a Vote No on Prop _____ to protect adult choice and Vote Yes on Prop _____ to protect our kids.

5. Confusion is good will add to the greater likelihood of killing the referendum.

6. Opponents of ours could be back after Juul after the opponents lose — but they could be back under any scenario other than surrendering to them - which is a non-starter.

7. There are other things we can do with a subsequent ballots - like creating a lock box against future fans.

I'm happy to talk about this this weekend. Traveling most of the day tomorrow to NYC, but available Sunday and Monday to talk.

Best,
John

John Whitehurst
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