A Guide to Writing Arguments, Rebuttals, and Analysis For Local Measures / Initiatives

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This guide was developed in an effort to provide answers to questions concerning county initiatives. It is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties. For information on city initiatives, please contact your City Clerk.

OVERVIEW

(All Sections cited are from the California Elections Code)

WHO CAN FILE ARGUMENTS FOR AND AGAINST A MEASURE:

The governing board (i.e. Board of Supervisors, school board or special district board) or member or members of the legislative body authorized by the legislative body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of these voters and associations may file a written argument for or against any county, school or district measure placed on the ballot by the governing body or county initiatives placed on the ballot through the petition process. (§9120, 9162, 9501)

The persons filing a district initiative petition may file an argument in favor of the proposed ordinance. The district board may submit an argument against the ordinance. (§9315)

The **filer** does not have to be a **signer** of the argument.

WHO CAN SIGN ARGUMENTS FOR AND AGAINST A MEASURE:

Signers of arguments for or against a county, school, or special district measure do not have to meet the criteria listed above. The filer of the argument must meet the criteria above; however, **anyone may sign the argument**.

- Ballot arguments for **county and special district measures** must be accompanied by the name or names of the person or persons filing it, or if filed on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted for or against a county or special district measure. (§9164)

- Ballot arguments for **school district measures** must be accompanied by the printed name and signature or printed names and signatures of the person or persons submitting it or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers. No more than five signatures shall appear with any argument submitted under this article. (§9501.5)

- If more than one argument for or against any **county, district or school measure** is submitted, the County Elections Official shall select one for printing in the Voter's Information Pamphlet pursuant to the following priority:
    1. The Board of Supervisors or governing board, or member of members of the board authorized by the board;
    2. The individual voter, or bona fide association of citizens, or combination of voters associations, who are the bona fide sponsors or proponents of the measure;
    3. Bona fide association of citizens;
    4. Individual voters who are eligible to vote on the measure. (§9166, 9503)

- Arguments must not exceed 300 words. (§9162, 9315, 9501)

WHO CAN FILE AND SIGN REBUTTALS:

- Rebuttals must be signed with original signatures by the same authors of the primary argument unless the filer of the direct argument authorizes in writing for another person or persons to sign the rebuttal. (Allowed pursuant to §9069, even though it pertains specifically to state measures). An "Authorization for Another Person or Persons to Sign the Rebuttal" should be filed with the rebuttal.

- Rebuttals must not exceed 250 words. (§9167, 9317, and 9504)

SAMPLE CALENDAR FOR SUBMITTING ARGUMENTS AND REBUTTALS

E-85 to E-76 Time period to submit arguments for or against. The arguments must be titled either “Argument in Favor Of Measure_____” or “Argument Against Measure_____” and can be no more than 300 words. EC 9162 and 9501

E-75 to E-66 Public examination period for arguments submitted. EC 9163 and 9502

E-65 to E-60 Time period to submit rebuttals. The rebuttals must be titled “Rebuttal to Argument in Favor of Measure_____” or “Rebuttal to Argument Against Measure_____” and can be no more than 250 words. EC 9167 and 9504

E-59 to E-50 Public examination period for rebuttals submitted and for the impartial analysis. EC 9190 and 9509

IMPARTIAL ANALYSIS:

- County Counsel is required to prepare an impartial analysis of a county or school measure. (§9160, 9500)

- For special district initiatives, the County Counsel or District Attorney of the county with the largest number of registered voters shall prepare an impartial analysis. (§9313)

- The impartial analysis must not exceed 500 words. (§9160, 9313, 9314, 9500, Water Code Appendix. §124-415)

- If the district is a water district, the counsel for the water district, or if there is no counsel for the water district, the County Counsel of the county with the largest number of registered voters shall prepare an impartial analysis. If there is a legal counsel for the water district, the analysis shall be subject to review and revision by the County Counsel. (§9314)

- Additionally, the County Counsel or District Attorney may prepare a summary of the impartial analysis in a format that answers the questions "What does a yes vote mean?" and "What does a no vote mean?" for each measure, with the summary for each question limited to 75 words or less. If the County Counsel or District Attorney prepares a summary pursuant to this paragraph, it may be included in the county voter information guide. (§9160)

FISCAL ANALYSIS:

- The County Auditor-Controller may be requested by the Board of Supervisors no later than 88 days prior to an election to prepare a fiscal analysis of a county measure. (§9160)

- The fiscal impact statement shall not exceed 500 words. (§9160)

TAX RATE STATEMENT:

- Each bond measure proposed by a county, city, district or other political subdivision or by any agency, department, or board thereof, the security of which constitutes a lien on the property within the jurisdiction, shall mail a tax rate statement with the Sample Ballot. (§9400, 9401) The statement shall be filed with the Elections Official not later than the 88th day prior to the election. The law does not specify a word limit for such statements.

ORDER OF APPEARANCE IN VOTER'S INFORMATION PAMPHLET:

- Arguments, rebuttals and analyses are printed in the Voter's Information Pamphlet and mailed to all registered voters in the jurisdiction eligible to vote for the particular measure. The arguments will appear in the following order:
    1. Analysis
    2. Fiscal Analysis or Tax Rate Statement
    3. Argument For
    4. Rebuttal to Argument For
    5. Argument Against
    6. Rebuttal to Argument Against

LETTERING OF MEASURES

- Letters designating measures will be assigned by the Elections Official pursuant to Elections Code §13116. Letters will be assigned after the close of consolidations, which occurs 88 days before the election. Measures will be assigned in alphabetical order beginning with the letter following the last letter assigned in the previous election and continuing through Z, or as close to the end of the alphabet as possible to accommodate all measures filed for the current election. For example, if the previous election ended with measure V, and five measures are on the next ballot, the measures will be assigned A, B, C, D, E rather than W, X, Y, Z, A.

- For districts that overlap into other counties, the counties will mutually agree to use a letter designation for the measure that will not conflict or confuse the voter. The letter assigned to these measures may not be in alphabetical order.

- Measures will appear on the ballot in the following order pursuant to Elections Code §13109: County Board of Education, College, Unified Schools, High Schools, Elementary Schools, County, Cities, Districts. In order to allow for the most efficient use of space, the County Elections Official may vary the order of the measures.

SIGNATURE STATEMENT

- Each argument and rebuttal must be accompanied by the Argument / Rebuttal Signature Statement Form included in this guide. (Elections Code §9600)

- There is a distinction between a "filer" and a "signer or author." The filer of the argument or rebuttal must be either the governing board of the district, a bona fide association of citizens or an individual voter who is eligible to vote on the measure. The "signers or authors" of the argument or rebuttal can be any person or any organization accompanied by a signature of a principal officer. Filers do not have to be signers.

DEADLINES

Contact Elections Dept. at (530) 822-7122 for filing deadlines for a particular measure. See page 2 for a sample calendar.

Arguments: Arguments are due by close of business on the deadline date chosen by the County Clerk. Once an argument for and against a measure is chosen, a copy will be provided to the opposing authors sent by certified mail for the purpose of writing a rebuttal. Arguments are available to the public after the deadline.

Tax Rate Statement: Tax Rate Statements must be supplied for each bond issue proposed by a county, city, district or other political subdivision. The statement shall be filed with the Elections Official not later than the 88th day prior to the election. Statements are available to the public after the deadline.

Rebuttals: 7 days after the argument is due, rebuttals are due by close of business on the deadline date chosen by the County Clerk. Rebuttals are available to the public after the deadline.

Analysis: County Counsel prepares an impartial analysis of each measure and it is filed on the same day as rebuttals are due. If requested by the Board of Supervisors, the County Auditor may also submit an analysis. Analyses are public after the deadline.

Place to File: Sutter County Elections Department, 1435 Veterans Memorial Circle, Yuba City, CA 95993.

Filing by Fax: Signatures on arguments, rebuttals and analyses must appear on the same page as the text of the argument, rebuttal or analysis. Original signatures must be presented to the Elections Official within 48 hours of transmission or the item(s) will not be considered as filed (weekends and holidays excepted). Fax's must be received prior to deadline to be accepted as filed. The fax number is (530) 822-7587.

Confidentiality: Arguments, rebuttals and analyses shall remain confidential until after the close of business on the date they are due.

Withdrawal/Changes: Arguments, rebuttals and analyses may be changed or withdrawn until and including the date fixed for final submission to the County Clerk. (§9163, 9316, 9601)

Public Inspection: For 10 calendar days immediately following the deadline for final submission of election documents, including ordinances, analyses, arguments and rebuttals, the County Elections Official shall make a copy of the materials available for public inspection. A writ of mandate or injunction may be sought to require amendments or deletions to any or all of the materials. (§9190, 9380, 9509)

HOW TO WRITE YOUR ARGUMENT, REBUTTAL OR ANALYSIS

- Be accurate. **DOCUMENTS WILL BE PRINTED AS SUBMITTED**. Spelling, punctuation, and grammatical errors will not be corrected.

- An argument, rebuttal, analysis or tax rate statement must be written to address a single measure on the ballot. A document combining statements pertaining to more than one measure will not be accepted.

- All arguments and rebuttals must be titled either: “Argument in Favor of Measure_____” or Argument Against Measure_____” or Rebuttal to Argument in Favor of Measure_____” or Rebuttal to Argument Against Measure_____”.

- All arguments and rebuttals must be accompanied by a Argument / Rebuttal Signature Statement Form. (§9600) (See pages 6 and 7)

- No more than five signatures will appear with any argument. If more than five are submitted, the first five will be printed. (§9164, 9501)

- Arguments, rebuttals, analyses and tax rate statement, including the names and titles of the signers, must be typed to ensure quality and accuracy.

- Do not use profanity or other objectionable language.

- The heading is standardized. Subheadings and deviations from the standardized heading will not be accepted.

- Arguments, rebuttals, analyses and tax rate statements are printed in the Voter's Information Pamphlet.

- Limited use of **bolding**, CAPITALIZING, underlining, *italics*, centering text, and bullets (small solid circle only) are permitted.

HOW TO COUNT WORDS (EC 9)

Each word is counted as one word except:

- **PUNCTUATION:** Punctuation is not counted.

- **TITLES:** Words used in the title of the document, such as "Argument in Favor of Measure A" are not counted.

- **CITIES/COUNTIES:** All geographical names shall be counted as one word. Areas that have political boundaries with an elected or appointed board are considered geographic areas by this office. For example, "County of Sutter and Yuba City Unified School District" shall each be counted as one word.

- **ABBREVIATIONS:** Each abbreviation for a word, phrase, or expression shall be counted as one word.

- **HYPHENATIONS:** Hyphenated words that appear in any generally available dictionary shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

- **DATES:** Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting of only a combination of digits shall be counted as one word. January 1, 2006 shall be counted as two words, whereas 1/1/06 shall be counted as one word.

- **NUMBERS:** Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.

- **PHONE & INTERNET:** Web site addresses and telephone numbers shall be counted as one word.

- **PERCENT SIGNS (%), NUMBER SIGNS (#), ETC.:** It is department policy to count numbers consisting of a digit or digits used with a dollar sign ($), cent sign (¢), percentage sign (%), or number sign (#) as one word.

COUNTY OF SUTTER
ARGUMENT / REBUTTAL SIGNATURE STATEMENT FORM
(Elections Code 9600)

All arguments and rebuttals concerning measures filed pursuant to Division 9 of the Elections Code shall be accompanied by the following statement. Names and titles listed will be printed in the Voter's Information Pamphlet in the order provided and will appear as indicated below. Only 5 names are permitted.

Argument / Rebuttal Filed By (check any of the following that apply):

- ☐ Board of Supervisors or any member(s) of the Board
- ☐ Individual voter who is eligible to vote on the measure
- ☐ Bona Fide Association of Citizens (see EC 9166, 9287, 9503)

Ballot Argument Contact:

Name: _____

Residence Address: _____

Phone: _____ Fax: _____

Email: _____

Filer's Signature: _____ Date:_____

"The undersigned author(s) of the:

- ☐ **argument in favor of**
- ☐ **argument against**
- ☐ **rebuttal to the argument in favor of**
- ☐ **rebuttal to the argument against**

ballot measure _____, to be voted at the _____ election to
(insert letter) (Type of election: primary, general, special)

be held on _____ in the County of Sutter, hereby state that such argument is true
(Election Date)

and correct to the best _____ knowledge and belief."
(his/her/their)

Each person must clearly print and sign as indicated below. Printing will be in the order as submitted.

PRINT NAME As it will appear in the Voter's Information Pamphlet	**PRINT TITLE & NAME OF ASSOCIATION** (IF APPLICABLE) as it will appear in the Voter's Information Pamphlet	**SIGNATURE**	Are you signing on behalf of an association? **YES or NO**	**DATE**

*If the argument or rebuttal is being signed by a principal officer on behalf of an association that is supporting or opposing the measure, the name of the association will appear on the first line, followed by the principal officer's name and title on the second line.

COUNTY OF SUTTER

AUTHORIZATION FOR ANOTHER PERSON OR PERSONS TO SIGN REBUTTAL ARGUMENT

(Elections Code 9167, 9285, 9317, 9504)

I, _____ authorize the following person(s) to prepare,
(Print Name of **FILER** of the Argument)

submit, or sign the rebuttal to the argument:

☐ In Favor of Measure _____ ☐ Against Measure _____

(One or more people who signed the argument may be replaced with different people to sign the rebuttal)

1. _____ to sign instead of _____.
(Print Name of Rebuttal Signer) (Print Name of Argument Signer)

2. _____ to sign instead of _____.
(Print Name of Rebuttal Signer) (Print Name of Argument Signer)

3. _____ to sign instead of _____.
(Print Name of Rebuttal signer) (Print Name of Argument Signer)

4. _____ to sign instead of _____.
(Print Name of Rebuttal Signer) (Print Name of Argument Signer)

5. _____ to sign instead of _____.
(Print Name of Rebuttal Signer) (Print Name of Argument Signer)

Signature of Filer: _____ Date: _____

Attach this form to the "Argument / Rebuttal Signature Statement Form" submitted with the rebuttal argument.