

GUIDE TO WRITING ARGUMENTS, REBUTTALS AND ANALYSES FOR LOCAL MEASURES



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This guide was developed in an effort to provide answers to questions frequently asked the Tehama County Election's Office concerning arguments, rebuttals and analyses for local measures. 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.

OVERVIEW

(All Sections cited are from the California Elections Code)

Arguments for and against:

- ❖ **Filers:** The governing board (i.e. Board of Supervisors, City, school board or special district board) or member of 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, 9282, 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.

- ❖ **Signers** of arguments for or against a county, city, 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, city 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, 9283)
- ❖ 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, city 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 legislative body, or member of members of the legislative body authorized by the body;
 2. The individual voter, or bona fide association of citizens, or combination of voters and 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. (§9167, 9287, 9503)
- ❖ **When a jurisdiction crosses county lines**, the lead county (the one with the most voters) will be responsible for setting the deadlines for arguments. Filers are advised to file their argument for or against the measure with the lead county. If there is more than one argument for or against filed, the lead county will select one pursuant to the provisions above. Therefore, the same argument for or against measures in shared jurisdictions will be identical in each county. (County Policy)
- ❖ Arguments must not exceed 300 words. (§9162, 9282, 9315, 9501)

Rebuttals:

- ❖ The authors may prepare and submit rebuttal arguments, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. No more than five people may sign the rebuttal. An "Authorization for Another Person or Persons to Sign the Rebuttal" is contained in this packet and should be filed at the same time the rebuttal is filed. (§9167, 9285, 9317, 9504) Pursuant to a County Counsel opinion dated 4-21-97, a person does not need to be eligible to vote on a particular ballot measure in order to be one of the signers of a rebuttal argument.
- ❖ Rebuttals must not exceed 250 words. (§9167, 9220, 9285, 9317, 9504)

Impartial Analysis:

- ❖ County Counsel is required to prepare an impartial analysis of a county or school measure. (§9160, 9500) County Counsel for each individual county will prepare the analysis for any measure proposed by a jurisdiction that crosses county lines.
- ❖ The City Attorney shall prepare an impartial analysis of a city measure. (§9280)
- ❖ 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, 9280, 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)

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 lead county will assign a letter 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 Signature Statement included in this Guide. (Elections Code §9285, 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 - ELECTION

Time Period Established for November 8, 2016 General Election:

- ❖ Submission of Ballot Arguments for and against measures –
No later than 5:00 p.m. August 24, 2016.
- ❖ Rebuttals to Arguments for and against must be filed -
No later than 5:00 p.m. August 31, 2016.
- ❖ The 10 day review period will run from August 31, 2016 through September 10, 2016.

Arguments: Arguments are due by 5 p.m. on the deadline date chosen by the Elections Office. Once an argument for and against a measure is chosen, a copy will be provided to the Opposing authors for the purpose of writing a rebuttal. Arguments are available to the public after the 5 p.m. 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 5 p.m. deadline

Rebuttals: 10 days after the argument is due, rebuttals are due by 5 p.m. Rebuttals are available to the public after the 5 p.m. deadline.

Analysis: County Counsel or City Attorney 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 5 p.m. deadline.

Place to File: Tehama County Elections, 633 Washington Street, Room 17, Red Bluff, CA 96080, 530-527-8190.

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). **Faxing** must be started prior to 5 p.m. on deadline days to be accepted as filed. The FAX number is 530-527-1140.

Confidentiality: Arguments, rebuttals and analyses shall remain confidential until 5 p.m. 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 election staff. (§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, 9295, 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 by Election staff.
- ❖ 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 accompanied by a Signature Statement. See attached. (§9283, 9285, 9600)
- ❖ No more than five signatures will appear with any argument. If more than five are submitted, the first five will be printed. (§9164, 9283, 9285, 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. (See “Standardized Headings” in this Guide.) 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 in 9.5 point Arial or Arial Narrow font – no exceptions.
- ❖ Limited use of **bolding**, CAPITALIZING, underlining, *italics*, centering text, and bullets (small solid circle only) are permitted.

SUBMITTING ARGUMENTS/ANALYSES ON COMPUTER DISK OR E-MAIL:

To help us cut costs and to ensure arguments are printed exactly as filed, we encourage you to submit arguments/analyses on computer diskette, CD, or via e-mail to jvise@co.tehama.ca.us

- Word or another IBM compatible format is preferred,
- Provide one hard copy of how you want the text to look in the Sample Ballot with original signatures.
- Input signatures as:
s/ First Last
Title

Unless, the person is signing no behalf of an association. Then, the Association name appears on the first line, followed by the Name and title. Example:

Chamber of Commerce
s/ First Last, President

HOW TO COUNT WORDS

(Pursuant to Elections Code Section 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 Tehama" and "Antelope 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, 2000 shall be counted as two words, whereas 1/1/00 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.