

GUIDE TO WRITING ARGUMENTS, REBUTTAL ARGUMENTS AND ANALYSES FOR COUNTY, SCHOOL, AND SPECIAL DISTRICT MEASURES



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This guide was developed in an effort to provide answers to questions frequently asked the office of the Solano County Registrar of Voters concerning arguments, rebuttal arguments 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. For information on city measures, please contact your city clerk.

A measure is an ordinance, question, issue or charter amendment submitted to a vote of the people at any election. Local (county, city or district) questions, issues or amendments are referred to as “Measures,” while those that are voted upon statewide are called “Propositions.”

Note: The information presented here is taken from the state elections code, cited herein as EC § followed by the relevant code section. You may review the code sections online at <http://www.leginfo.ca.gov/calaw.html>, and we encourage you to do so for the most complete, accurate, and current information.

City Measures

Arguments and/or rebuttals involving the cities of Benicia, Dixon, Fairfield, Rio Vista Suisun City, Vacaville and Vallejo are filed at the city clerks office. Specific information regarding requirements and deadlines should be obtained from the particular city office involved. Election code statutes begin at EC § 9280.

Individuals interested in state propositions should contact the Secretary of State's office, elections division, at 916-0657-2166 or visit their website at www.ss.ca.gov.

Submitting a Measure

Our office has an administrative suggested deadline for submitting a measure to our office, which is 111 days (subject to change) prior to an election. The California elections code date is 88 days before an election, but we have to accommodate scheduling for placement on the Board of Supervisors agenda and also to meet printing deadlines.

Filing Arguments for and against:



Filers – the Board of Supervisors or any member or members of the board authorized by the board, 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 measure. *A bona fide association of citizens is a recognized authentic or genuine group of citizens bound together, without intent of fraud or deceit, by a common interest or cause. No argument for or against a measure shall exceed 300 words in length. EC § 9162*



Any person or group 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. *EC § 9315.*



The **filer** does not have to be a **signer** of the argument. A filer must be eligible to vote on the measure and must also print and sign their name on the signature statement.



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 an argument must meet the criteria above; however, **anyone eligible to vote on the measure 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. *EC § 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. *EC § 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:

- I. The Board of Supervisors or governing board, or member or members of the board authorized by the board;
 - II. 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;
 - III. Bona fide association of citizens;
 - IV. Individual voters who are eligible to vote on the measure.
- EC §§ 9166,9503*



Arguments must not exceed 300 words

Rebuttal Arguments:

When an argument in favor and an argument against a measure have been selected for publication in the Official Sample Ballot Pamphlet, the official responsible for conducting the election shall send copies of the argument in favor of the measure to the authors of the argument against the measure and copies of the argument against the measure to the authors of the argument in favor. The authors may prepare, sign, and sign the rebuttal or authorize in writing any other person or persons to prepare, file or sign the rebuttal argument. Written authorization must specifically designate the name of the substitute signer(s) and must be signed by the original signer(s). The rebuttal argument shall be filed with the elections official conducting the election no later than a date designated by the elections official. Words used in the title may

not be counted when determining the length of any rebuttal argument. *EC §§ 9167, 9317, 9504*

Rebuttal arguments must not exceed 250 words. *EC §§ 9167, 9220, 9285, 9317, 9504*

Impartial Analyses:

- ✚ For county measures and special district initiatives, the county counsel or district attorney of the county with the largest number of registered voters shall prepare an impartial analysis. *EC §§ 9160, 9313*
- ✚ **The impartial analysis must not exceed 500 words.** *EC §§ 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. *EC § 9314*

Fiscal Analyses:

- ✚ 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. *EC § 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 voter information guide. *EC §§ 9400, 9401* The law does not specify a word limit for such statements.

Order of appearance in Voter's Information Pamphlet:

- ✚ Arguments, rebuttal arguments and analyses are printed in the Voters Information Pamphlet and mailed to all registered voters in the jurisdiction eligible to vote for the particular measure. The ballot measure information will appear in the following order:
 - i. Analyses
 - ii. Fiscal Analyses or Tax Rate Statement
 - iii. Argument For
 - iv. Rebuttal to Argument For
 - v. Argument Against
 - vi. Rebuttal to Argument Against

Lettering of Measures

- ✚ Letters designating measures will be assigned by the elections official pursuant to *EC § 13116*.
- ✚ For districts that overlap into other counties, the counties may 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. *EC § 13116*
- ✚ Measures will appear on the ballot in the following order pursuant to *EC § 13109*: College, Unified Schools, County, Cities, and 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 – IMPORTANT & MANDATORY

- ✚ The California elections code requires all **arguments** and **rebuttal arguments** be accompanied by the two-page signature statement included in this guide. The signature statement must be filled out completely and be signed by each author. The name, address and telephone number of the contact person must be listed. Author(s) names and titles will be printed in the voter's information pamphlet. *EC § 9600*
- ✚ There is a distinction between a "filer" and a "signer or author." The filers of the argument or rebuttal argument 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 argument can be any person or any organization accompanied by a signature of a principal officer. **Filers do not have to be signers.**

DEADLINES – ELECTION

Contact the Solano County Registrar of Voters at (707) 784-6675 or visit our website at www.solanocounty.com/elections for filing deadlines for a particular measure.

Arguments: Arguments are due by 5 p.m. on the deadline date **chosen by the elections department**. 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 argument. Arguments are available to the public after the 5 p.m. deadline.

Tax Rate Statements: Tax rate statements must be supplied for each bond issue proposed by a county, city, district or other political subdivision. Generally, the statement is to be filed no later than **the 88th day prior to the election**. Statements are available to the public after the 5 p.m. deadline.

Rebuttal Arguments: 4 days after the argument is due, rebuttal arguments are due by 5 p.m. Rebuttal arguments are available to the public after the 5 p.m. deadline.

Impartial Analyses: County Counsel prepares an impartial analysis of each measure and it **is filed on the 83rd day prior to the election**. The analysis shall show the effect of the measure on the existing law and the operation of the measure. The analysis shall be printed preceding the arguments for and against the measure. **The analysis may not exceed 500 words.** *EC § 9160*

Fiscal Impact Statement: If requested by the Board of Supervisors, the County Auditor shall submit a fiscal impact statement. The fiscal impact statement shall determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. **Fiscal impact statements may not exceed 500 words.** *EC§ 9160*

Please refer to the Solano County Registrar of Voters calendar for due dates.

Place to File: Solano County Registrar of Voters
675 Texas Street, Suite 2600
Fairfield, CA 94533-6338

City Measures are filed with the city clerk

Filing by FAX: Signatures on arguments, rebuttal arguments and analyses must appear on the same page as the argument, rebuttal argument or analyses. **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 (707) 784-6678.

Confidentiality: Arguments, rebuttal arguments and analyses shall remain confidential until 5 p.m. on the date they are due.

Withdrawal/Changes: Arguments, rebuttal arguments and analyses may be changed or withdrawn until and including the date fixed for final submission to the election official. If an argument is changed, it must be re-submitted and accompanied by an original signed withdrawal request letter. All of the signers will need to sign the copy with changes. The revised document must be filed by the deadline. *EC §§ 9163, 9316, 9601*

Public Inspection: Following the filing deadline for each document, the arguments, rebuttals and analyses are available for a 10 day calendar public inspection period. A writ of mandate or injunction may be sought to require amendments or deletions. *EC §§ 9190, 9295, 9380, 9509*

HOW TO WRITE YOUR ARGUMENT, REBUTTAL ARGUMENT OR ANALYSIS

- ✦ Be accurate. *Documents will be printed as submitted.* Spelling, punctuation, and grammatical errors will **not** be corrected by elections department staff.
- ✦ LIMITED use of **bolding**, CAPITALIZING, underlining, *italics*, centering text, and bullets (small solid circle only) are permitted. **Multiple punctuation is NOT excepted (examples !!!! or “----“)**
The format for Arguments & Rebuttals is not the same as the candidate statement guidelines.
- ✦ An argument, rebuttal argument, 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 rebuttal arguments must be accompanied by a signature statement. See attached. *EC § 9600*
- ✦ No more than five signatures will appear with any argument. If more than five are submitted, the first five will be printed. *EC §§ 9164, 9501*
- ✦ Arguments, rebuttal arguments, analyses and tax rate statements, including the names and titles of the signers, must be typed to ensure quality and accuracy. Submit information typed, upper and lower case with single spacing.
- ✦ Do not use profanity or other offensive language.
- ✦ The heading is standardized. Subheadings and deviations from the standardized heading will not be accepted.
- ✦ Arguments, rebuttal arguments, analyses and tax rate statements are printed in the Voter's Information Pamphlet.

IMPORTANT – Arguments and rebuttals that are not in compliance will be rejected by the elections official. The elections official bears no responsibility for the correct format of arguments and rebuttals and **does not proof for errors..** Once submitted and filed they cannot be changed.

SUBMITTING ARGUMENTS/ANALYSES ON CD, E-MAIL OR USB DRIVE

To help us cut costs and to ensure arguments are printed exactly as filed, we encourage you to submit arguments/analyses on CD, via E-mail or USB drive to wmlee@solanocounty.com

Word, ASCII text, or WordPerfect formats are acceptable.

Provide one hard copy of how you want the text to look in the sample ballot with the original signatures.

Input signature(s) as s/Firstname Lastname
Title (Optional)

If the person is signing on behalf of an association, input signature as

Chamber of Commerce
s/Firstname Lastname, President

HOW TO COUNT WORDS

(Pursuant to Elections Code § 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. Signatures of the authors 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 Solano" and "Fairfield-Suisun 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, 2003 shall be counted as two words, whereas 1/1/03 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.

CHARACTERS, 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.

PROPER NOUNS / GEOGRAPHICAL NAMES: Examples are: Solano County and/or Travis Unified School District are counted as one word.

SIGNATURE STATEMENT PAGE ONE

All arguments/rebuttal arguments concerning measures shall be accompanied by this form to be signed by each author(s). Author(s) names and titles listed will be listed and printed in the Voter's Information Pamphlet in the order provided below and will appear as indicated below.

The undersigned author(s) of the:

ARGUMENT IN FAVOR

300 WORDS

ARGUMENT AGAINST

300 WORDS

REBUTTAL TO ARGUMENT IN FAVOR

250 WORDS

REBUTTAL TO ARGUMENT AGAINST

250 WORDS

Ballot measure letter _____ at the _____
Name of election

Election for the _____
Jurisdiction – name of district

to be held on _____ Election Date
hereby state that such argument
is true and correct to the best of his/her/their knowledge and belief.

1) _____ 20
Signature of individual voter eligible to vote Residence address (for verification purposes) Date

Print Name to appear in voter's pamphlet

Are you signing on behalf of association or governing board? YES or NO

If yes complete page 2 Please circle one

(Optional) Print title to appear below name

2) _____ 20
Signature of individual voter eligible to vote Residence address (for verification purposes) Date

Print Name to appear in voter's pamphlet

Are you signing on behalf of association or governing board? YES or NO

If yes complete page 2 Please circle one

(Optional) Print title to appear before name

3) _____ 20
Signature of individual voter eligible to vote Residence address (for verification purposes) Date

Print Name to appear in voter's pamphlet

Are you signing on behalf of association or governing board? YES or NO

If yes complete page 2 Please circle one

(Optional) Print title to appear before name

4) _____ 20
Signature of individual voter eligible to vote Residence address (for verification purposes) Date

Print Name to appear in voter's pamphlet

Are you signing on behalf of association or governing board? YES or NO

If yes complete page 2 Please circle one

(Optional) Print title to appear before name

5)) _____ 20
Signature of individual voter eligible to vote Residence address (for verification purposes) Date

Print Name to appear in voter's pamphlet

Are you signing on behalf of association or governing board? YES or NO

If yes complete page 2 Please circle one

(Optional) Print title to appear before name

IF SIGNING ON BEHALF OF A GOVERNING BOARD OR BONA FIDE ASSOCIATION OF CITIZENS YOU MUST COMPLETE PAGE 2

FILER NAME, ADDRESS & PHONE# _____

Arguments/Rebuttals

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SIGNATURE STATEMENT PAGE TWO

(Elections Code Section 9600)

CHECK ONE OF THE FOLLOWING & RECORD LETTER OF MEASURE

- Argument in favor of measure Rebuttal to argument in favor of measure
- Argument against measure Rebuttal to argument against measure

ARGUMENTS and/or REBUTTALS FILED BY (Check any of the following that apply:

- Board of Supervisors or Governing Board**
Contact Person's Printed Name _____
Contact Person's Signature _____
Title _____
Phone # _____ Fax# _____ E-mail _____

The following information is submitted by the filers(s) to establish that the organization or group is a Bona Fide Association of Citizens:

- Bona Fide Association of Citizens or Filers of Special District Initiative**
Name of Association: _____
Principal Officer's Printed Name _____
Principal Officer's Signature _____
Title _____
Phone# _____ Fax# _____ E-mail _____

- A Form 410 Statement of Organization – establishing the group or organization as a Primarily Formed Ballot Measure committee to support or oppose Measure _____ was filed on _____ Committee I.D.# _____ (The Form 410 must be filed within 10 days of the date the committee receives \$2000.00 in contributions)

- The organization meets on a regular basis. Meetings are held at _____ at the following schedule _____.

- Other information that would support the claim that the group or organization is a Bona Fide Association, rather than a group of individuals who support or oppose Measure _____

Contact person name & phone# _____

New - Senate bill 665 requires an organization or association submitting an argument for or against a measure to submit additional information to enable the elections office to determine if the organization qualifies as a bona fide association of citizens.

AUTHORIZATION FOR ANOTHER PERSON(S) TO SIGN REBUTTAL ARGUMENT

TO BE COMPLETED BY INITIAL ARGUMENT SIGNERS ONLY IF REBUTTAL ARGUMENT IS TO BE SIGNED BY DIFFERENT AUTHORS

The undersigned author(s) of the argument

In Favor of

Against

Measure _____ at the _____ election to be
Letter Name of election

Held on _____ authorize(s) the following individual(s) to sign
Date of election

The rebuttal argument in his/her/their place:

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

1) _____ to sign instead of _____
PRINT NAME OF REBUTTAL SIGNER SIGNATURE OF ARGUMENT SIGNER DATE

2) _____ to sign instead of _____
PRINT NAME OF REBUTTAL SIGNER SIGNATURE OF ARGUMENT SIGNER DATE

3) _____ to sign instead of _____
PRINT NAME OF REBUTTAL SIGNER SIGNATURE OF ARGUMENT SIGNER DATE

4) _____ to sign instead of _____
PRINT NAME OF REBUTTAL SIGNER SIGNATURE OF ARGUMENT SIGNER DATE

5) _____ to sign instead of _____
PRINT NAME OF REBUTTAL SIGNER SIGNATURE OF ARGUMENT SIGNER DATE

Attach this form to the two page "Signature Statement" submitted with the rebuttal argument