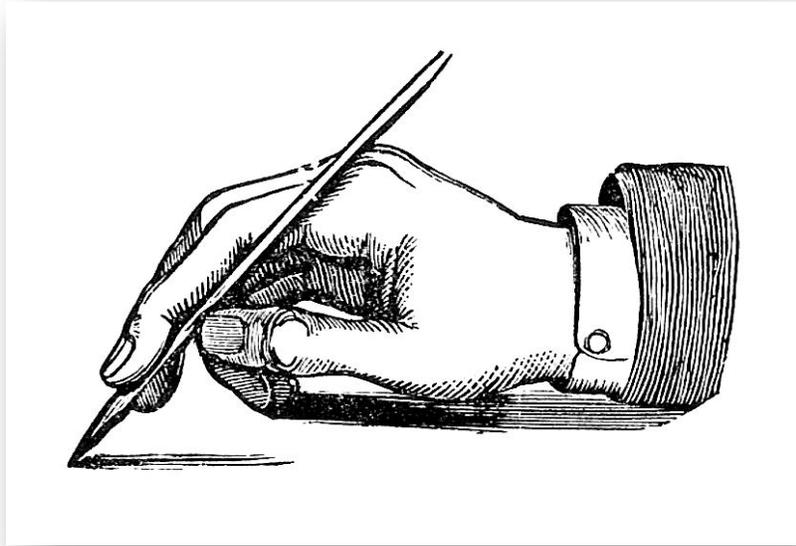


Guide to Writing Arguments, Rebuttals and Analyses for Local Measures



PREPARED BY:

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This guide was developed in an effort to provide answers to questions frequently asked the City of Santa Cruz elections official 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. For information on County elections, please contact the County Elections Department.

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GENERAL INFORMATION

All code sections referred to in this document are the Elections Code unless otherwise noted.

What is a state proposition?

A state proposition is a proposal affecting the State Constitution or laws of the state. A proposition can be placed on the ballot by the State Legislature passing a law and the Governor signs it or by initiative or referendum.

Whom do I contact regarding state propositions?

Contact the Secretary of State's Office, Election Division / (916) 657-2166

www.sos.ca.gov / VIGarguments@sos.ca.gov

What is a local measure?

For purposes of this guide, a local measure is any question put before the voters at any election in the county, special district or school district. Measures can be placed on the ballot by the governing body or by initiative or referendum.

Whom do I contact regarding local measures?

Contact the Santa Cruz County Clerk's Office

701 Ocean Street, Room 210, Santa Cruz, CA / (831) 454-2060

www.votescount.com/info@votescount.com

What is a city measure?

For purposes of this guide, a local measure is any question put before the voters at any election in the city. Measures can be placed on the ballot by the governing body or by initiative or referendum.

Whom do I contact regarding city measures?

Contact City Clerk Administrator Bren Lehr at the City of Santa Cruz City Clerk's Office

809 Center Street, Room 9, Santa Cruz, CA / (831) 420-5038

www.cityofsantacruz.com

ARGUMENTS FOR AND AGAINST

How do I know a measure will appear on the ballot?

Once a governing board, such as the Board of Supervisors, a school board, a special district board or a City Council passes a resolution calling for an election, the County Elections official will prepare and publish a legal notice indicating the specifics of the measure including deadlines to file arguments for or against the measure. The County Elections official will also publish a news release announcing the measures on the ballot and deadlines for filing arguments.

Who can file arguments?

- The governing board: Board of Supervisors, a school board, a special district board, or a City Council. An argument may also be filed by a member or members of the governing body. The member(s) do NOT have to be authorized by the governing body; or
- 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; or
- A bona fide association of citizens; or
- Any individual voter who is eligible to vote on the measure. (§§9120, 9162, 9282, 9501)

If more than one argument for or against any county, city, district or school measure is submitted, the County Elections official shall select one for printing in the Voter's Information Pamphlet pursuant to the order listed above. (§§9167, 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)

Exceptions for district or city measures put on the ballot by initiative:

- The person(s) 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 person(s) filing a city initiative petition may file an argument in favor of the proposed ordinance and the City Council may submit an argument against the ordinance. (§9282a)

ARGUMENTS FOR AND AGAINST (continued)

Filer vs. Signers

- The **filer** does not have to be a **signer** of the argument;
- **Anyone can sign arguments** for or against a county, city, school, or special district measure;
- The **filer** of the argument must meet the criteria on the previous page;
- All arguments and rebuttals must be filed with the Signature Statement contained in the handbook;
- Pursuant to a County Counsel opinion dated April 21, 1997, 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.

Format for Arguments

- ✓ Arguments must not exceed 300 words. (§9162)
 - See **Attachment A** for guidelines on counting words.
- ✓ Arguments shall use the following headings:
 - Argument for Measure _____
 - Argument against Measure _____
- ✓ Arguments cannot contain more than 5 signatures.
- ✓ The heading and the signatures are not included in the word count. (§9162)
- ✓ Arguments should be typed and in a block format.
 - See **Attachment B** for more information.
- ✓ Arguments should be emailed to blehr@cityofsantacruz.com in Word format.

Exceptions for district or city measures put on the ballot by initiative:

- Each argument and rebuttal must be accompanied by the two-page Signature Statement included in this guide. (§9600)
- Signatures can appear on more than one Signature Page.
- Original signatures must be submitted. To meet the deadline, you may FAX or email the argument/rebuttal with the signature(s) on the same page as the text of the argument/rebuttal. Original signatures must be presented to the elections official within 48 hours of electronic transmission or the item(s) will not be considered as filed (weekends and holidays excepted).

ARGUMENTS FOR AND AGAINST (continued)

Exceptions for district or city measures put on the ballot by initiative (continued):

- 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, 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**.

REBUTTALS

Who can file rebuttals to arguments?

When both an argument in favor and an argument against a measure has been filed and selected for printing in the Voter Information Pamphlet, the City elections official will send copies of the arguments to the filers and advise them of the deadline for filing the rebuttal.

Format for Rebuttals

- ✓ Rebuttals must not exceed 250 words. (§§9167, 9220, 9285, 9317, 9504)
 - See **Attachment A** for guidelines on counting words.

- ✓ Rebuttals shall use the following headings:
 - REPLY: Rebuttal to Argument for Measure _____
 - REPLY: Rebuttal to Argument against Measure _____

- ✓ Rebuttal arguments may be signed by the same people who signed the argument, or the filer can authorize up to 5 new people to sign the rebuttal by completing the Authorization in **Attachment E**.

- ✓ Rebuttals can be signed by 5 or fewer people.

- ✓ The heading and the signatures are not included in the word count. (§9162)

- ✓ Rebuttals should be typed and in a block format.
 - See **Attachment B** for more information.

- ✓ Arguments should be emailed to blehr@cityofsantacruz.com in Word format.

ANALYSES

Impartial Analysis

County Counsel is required to prepare an impartial analysis of a county or school district 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, 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)

Notwithstanding the above provision, if the initiative pertains to the Pajaro Valley Water Management Agency, the county counsels of Monterey, San Benito and Santa Cruz Counties shall jointly prepare an impartial analysis. (Water Code Appendix §124-415)

Fiscal Analysis

The County Auditor-Controller and Treasurer-Tax Collector 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 County Voter Information Guide. (§§9400, 9401)

The statement shall be filed with the elections official no later than the 88th day prior to the election. The law does not specify a word limit for such statements.

ORDER AND LETTERING

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. Ballot Question;
2. What a “YES” vote means / What a “NO” vote means;
3. Names of those who signed the Argument For and Argument Against;
4. Argument For;
5. Rebuttal to Argument For;
6. Argument Against;
7. Rebuttal to Argument Against;
8. Impartial Analysis;
9. Fiscal Analysis or Tax Rate Statement;
10. Measure Text.

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:

- | | |
|-------------------------------|------------------------|
| 1. County Board of Education; | 5. Elementary Schools; |
| 2. College; | 6. County; |
| 3. Unified Schools; | 7. Cities; |
| 4. High Schools; | 8. Districts. |

In order to allow for the most efficient use of space, the county elections official may vary the order of the measures.

DEADLINES FOR CITY MEASURES

Contact the City Clerk Administrator at (831) 420-5038 or visit the City's website at www.cityofsantacruz.com for filing deadlines for a particular measure.

For all other deadlines contact the County Elections Department at (831) 454-2060 or visit the County's website at www.votescount.com.

Arguments:

Arguments for a City measure are due by 5:00 p.m. on the deadline date chosen by the City Clerk Administrator. Arguments for all other measure are due by 5:00 p.m. 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 for the purpose of writing a rebuttal. Arguments are available to the public after the 5:00 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 filled with the elections official not later than the 88th day prior to the election. Statements are available to the public after the 5:00 p.m. deadline.

Rebuttals:

Rebuttals for a City measure are due by 5:00 p.m. on the deadline date chosen by the City Clerk Administrator. Rebuttals for all other measure are due by 5:00 p.m. on the deadline date chosen by the County Clerk. Typically it is about a week after the date the argument is due. Rebuttals are available to the public after the 5:00 p.m. deadline.

Analysis:

For City measures the City Attorney prepares an impartial analysis of each measure and it is filed on a date set by the City Clerk Administrator. For all other measures, County Counsel prepares an impartial analysis of each measure and it is filed on a date set by the County Clerk. If requested by the Board of Supervisors, the County Auditor may also submit an analysis. Analyses are public after the 5:00 p.m. deadline.

Place to File:

City Measures: City of Santa Cruz / City Clerk's Office, 809 Center Street, Room 9, (831) 420-5038

All Other Measures: Santa Cruz County Clerk/Elections, 701 Ocean Street, Room 210, (831) 454-2060

To help cut costs and to ensure documents are printed exactly as filed, in addition to filing a hard copy, please email your City documents to blehr@cityofsantacruz.com and all other documents to gail.pellerin@santacruzcounty.us.

DEADLINES FOR CITY MEASURES (continued)

Filing by FAX or Email:

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 the electronic transmission or the items(s) will not be considered as filed (weekends and holidays excepted). Electronic transmission must be started prior to 5:00 p.m. on deadline days to be accepted as filed.

The City's FAX number is: (831) 420-5031.

The County's FAX number is: (831) 454-2445.

To email, you must first scan the document with the signature(s) and email to blehr@cityofsantacruz.com at the City or gail.pellerin@santacruzcounty.us at the County.

Confidentiality:

Arguments, rebuttals and analyses shall remain confidential until 5:00 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 city or 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 City and 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)

ATTACHMENT A

HOW TO COUNT WORDS

(Elections Code §9)

Election Code §9 shall not apply to counting words for ballot designations. Each word is counted as one word except:

PUNCTUATION:	Punctuation is not counted.
REQUIRED TITLES:	Words used in the title of arguments, rebuttals, and analyses, such as “Argument in Favor of Measure A” are not counted. All words used in the 75-word ballot question are counted except for the letter designating the measure. Words used in the heading of a candidate’s statement, including the office title, candidate’s name, occupation and age are not counted.
PROPER NOUNS & GEOGRAPHICAL NAMES:	All proper nouns, including geographical names, shall be counted as one word. For example, “Pajaro Valley Unified School District” shall 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 shall be counted as one word regardless of how they are written (1/1/2015 or January 1, 2015)
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:	Website addresses and telephone numbers are 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.

ATTACHMENT B

FORMAT GUIDELINES

- Be accurate. **Documents will be printed as submitted.** Spelling, punctuation, and grammatical errors will not be corrected by the City or County Clerk.
- An argument, rebuttal, analysis or tax rate statement must be written to address a single measure on the ballot. A document combining arguments pertaining to more than one measure will not be accepted.
- Arguments, rebuttals and analyses must be typed and formatted in block paragraph style.
- All arguments and rebuttals must be accompanied by a Signature Statement. (\$9600)
 - See **Attachment D**
- No more than five signatures will appear with any argument. If more than five are submitted, the first five will be printed. (§§9164, 9501)
- Be certain to inform the City or County elections official of the order you want signatures to appear.
- 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.
- Arguments, rebuttals, analyses and tax rate statements are printed in the Voter Information Guide in 9 point font.
- Limited use of **bolding**, CAPITALIZING, underlining, *italics*, centering text, and bullets (small solid circle only) is permitted.

ATTACHMENT C

STANDARDIZED HEADINGS

Headings will be centered, and printed using all caps in 9-point, bold font.

Ballot Question (Voter’s Pamphlet)	<h1 style="font-size: 48pt;">Z</h1>	TITLE OF BALLOT QUESTION (IF PROVIDED) can be printed in all caps or upper and lower case. <u>Sometimes jurisdictions underline the title.</u> Ballot questions are limited to 75 words. If there is a title, it shall be included in the 75-word limit for ballot questions. Bullets, italics, underlining, and bolding beyond the title, are not permitted in the ballot question. (§§13247 & 9051)
Measure Text (Voter’s Pamphlet)	Full text of Measure Z (text goes here)	
Initiative (Voter’s Pamphlet)	Full text of Initiative Measure Z (text goes here)	
Analyses	Impartial Analysis of Measure Z if the full text of a city or county measure is not printed in the Voter’s Information Pamphlet, pursuant to §§9160 and 9280, following the text of the impartial analysis insert in 10-pt. bold and centered the following: <div style="text-align: center; padding: 10px;"> <p>The above statement is an Impartial Analysis of Measure Z. If you desire a copy of the ordinance or measure, please visit our website (add City or County website info here) or call (add City or County contact information here) and a copy will be mailed to you at no cost.</p> </div>	
	Fiscal Impact Statement of Measure Z	
	Tax Rate Statement of Measure Z	
Arguments	Argument For Measure Z Argument Against Measure Z	
Rebuttals	REPLY: Rebuttal to Argument For Measure Z REPLY: Rebuttal to Argument Against Measure Z	
Ballot	MEASURES SUBMITTED TO THE VOTERS	
	CITY	
	Z 75-word ballot question... (§13247)	YES
NO		
If the measure is a school bond, the ballot would read: “Bonds Yes” and “Bonds No” (Education Code §15122)		

ATTACHMENT D
SIGNATURE STATEMENT – PAGE 1
(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 to be signed by each author of the argument. Names and titles listed will be 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 For
- Argument Against
- Rebuttal to Argument For
- Rebuttal to Argument Against

Ballot Measure (insert letter here) _____ at the Primary General Special

election for the _____
(jurisdiction – name of district)

to be held on _____ hereby state that such argument is true and correct
(date)

to the best of his/her/their knowledge and belief.”

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

This information will be provided on the City Clerk/County Clerk/Elections Website

Board of Supervisors or Governing Board
Contact Person’s Printed Name: _____
Contact Person’s Signature: _____
Title: _____
Phone: _____ Email: _____

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: _____ Email: _____

Attach list of officers if document relates to a school district measure

ATTACHMENT D (continued)

SIGNATURE STATEMENT – PAGE 1 (continued)



Individual Voter Who is Eligible To Vote on the Measure

Printed Name: _____

Signature of Voter: _____

Address Where You Live: _____

Phone: _____ Email: _____

SIGNATURE STATEMENT – PAGE 2

Check one of the following and write-in the letter assigned to the measure:

- Argument For Measure _____
- Argument Against Measure _____
- Rebuttal to Argument For Measure _____
- Rebuttal to Argument Against Measure _____

The signature of the following persons will be printed as submitted below following the argument or rebuttal.

Signature	<u>Print Name</u> as it will appear in the Voter Information Guide	<u>Print Title and Name of</u> Organization (if applicable) as it will appear in the Voter Information Guide	Are you signing on behalf of an Organization? YES OR NO*	Date

*If the argument or rebuttal is being submitted on behalf of an organization, at least one of its principal officers must sign. In the Voter Information Pamphlet there will be an asterisk printed next to the name and the following notation:

***Signing on behalf of the organization listed below the name.**

ATTACHMENT E
AUTHORIZATION FOR ANOTHER PERSON(S) TO SIGN REBUTTAL ARGUMENT

I, _____ authorize the following person(s) to sign
(print name of **FILER** of the argument)

the rebuttal to the argument

- For
- Against

Measure _____ for the _____ election.
(letter) (election date)

The filer may authorize any other person or persons to sign the rebuttal argument.

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 2-page "Signature Statement" submitted with the rebuttal argument.