

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)

Arguments for and against:

* **Filers:** 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, 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, 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 or 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. (§9167, 9503)

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

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; however, they may be accepted after the filing deadline.

*☐ 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. (§9161, 9500)

*☐ 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)

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 two-page Signature Statement 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 - ELECTION

Contact the Elections Department at (530) 822-7122 for filing deadlines for a particular measure.

Arguments: Arguments are due by 5 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 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 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: 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). FAXing must be started prior to 5 p.m. on deadline days to be accepted as filed. The FAX number is (530) 822-7587

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 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, 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 County Clerk 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. (§9600)
- * 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 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 jbechtel@co.sutter.ca.us

- * Word 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 on 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 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.

STANDARDIZED HEADINGS

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

BALLOT QUESTION: (Voter’s Pamphlet)	Z TITLE OF BALLOT QUESTION (IF PROVIDED). If there is no title, the 75-word ballot question will be printed in upper and lower case. Bullets, italics, underlining, and bolding beyond the title, are not permitted in the ballot question.														
ANALYSES:	IMPARTIAL ANALYSIS BY COUNTY COUNSEL (or CITY ATTORNEY) <p style="text-align: right;">MEASURE Z</p> If the full text of a county or city 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: The above statement is an impartial Analysis of Measure Z. If you desire a copy of the ordinance or measure, please visit our website at www.co.sutter.ca.us or please call the Sutter County Elections Department at (530) 822-7122 [or City Clerk] and a copy will be mailed at no cost to you.														
MEASURE: (Voter’s Pamphlet)	SUTTER COUNTY MEASURE Z MEASURE TITLE (Full Text of Ordinance, Resolution, Charter Amendment) Text.....														
INITIATIVE: (Voter’s Pamphlet)	SUTTER COUNTY INITIATIVE MEASURE Z INITIATIVE TITLE (Full Text of Proposed initiative) Text.....														
ARGUMENTS:	ARGUMENT IN FAVOR OF MEASURE Z ARGUMENT AGAINST MEASURE Z														
REBUTTALS:	REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Z REBUTTAL TO ARGUMENT AGAINST MEASURE Z														
BALLOT:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3" style="text-align: center;">MEASURES SUBMITTED TO THE VOTERS</td> </tr> <tr> <td colspan="3" style="text-align: center;">COUNTY</td> </tr> <tr> <td style="width: 70%;">Z 75-word ballot question</td> <td style="width: 10%; text-align: center;">YES</td> <td style="width: 20%;"></td> </tr> <tr> <td>(§13247)</td> <td style="text-align: center;">NO</td> <td></td> </tr> </table> <p>If the measure is a school bond, the ballot would read: “Bonds Yes” and “Bonds No”. (E.C. 151122)</p>			MEASURES SUBMITTED TO THE VOTERS			COUNTY			Z 75-word ballot question	YES		(§13247)	NO	
MEASURES SUBMITTED TO THE VOTERS															
COUNTY															
Z 75-word ballot question	YES														
(§13247)	NO														

SIGNATURE STATEMENT

(Elections Code Section 9600)

All arguments 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 in favor of
- * argument against
- * rebuttal to the argument in favor of
- * rebuttal to the argument against

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

election for the _____
(jurisdiction - name of district)

to be held on _____ hereby state that such argument
(Election date)

is true and correct to the best of _____ knowledge and belief.”
(his/her/their)

ARGUMENT/REBUTTAL FILED BY (check any of the following that apply)

This information will be provided on the Sutter County Website:

Board of Supervisors or Governing Board

Contact Person's Printed Name: _____

Contact Person's Signature: _____

Title: _____

Phone: _____ FAX: _____

E-Mail: _____

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: _____

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

Individual voter who is eligible to vote on the measure

Printed Name: _____

Signature of Voter: _____

Address Where You Live: _____

Phone: _____ FAX: _____

E-Mail: _____

SIGNATURE STATEMENT - PAGE 2

CHECK ONE OF THE FOLLOWING & RECORD LETTER OF MEASURE:

- * Argument in Favor of Measure _____
- * Argument Against Measure _____
- * Rebuttal to Argument in Favor of Measure _____
- * Rebuttal to Argument Against Measure _____

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

SIGNATURE	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	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.

AUTHORIZATION FOR ANOTHER PERSON OR PERSONS TO SIGN REBUTTAL ARGUMENT

I, _____ authorize the
(print name of **FILER** of the argument)

following person(s) to sign the rebuttal to the argument

in favor

against

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

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