

GUIDELINES FOR FILING ARGUMENTS FOR LOCAL MEASURES



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SAN LUIS OBISPO COUNTY ELECTIONS DEPARTMENT
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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.

OVERVIEW

(All sections cited are from the California Elections Code)

ARGUMENTS FOR AND AGAINST:

- The Board of Supervisors, the governing board of a school district or any member or members of these boards 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 or school district measure. §9120, 9162, 9501
- The persons filing a district initiative petition may file an argument in favor of the ordinance. The district board may submit an argument against the ordinance. §9315
- The governing board of the district may refer legislative questions to the voters of the district. §9342
- The filer of an argument does not have to be a signer of that argument.
- Ballot arguments must be accompanied by the printed name(s) and signature(s) of the person(s) 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. If there are more than five signatures only the first five will be printed. §9164, 9501.5
- If more than one argument for or more than one argument against the measure is submitted, the county elections official shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the elections official shall give preference and priority in the order named to the arguments of the following: §9166, 9503
 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 and associations, who are 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.
- Arguments shall not exceed 300 words. §9162, 9315, 9501

REBUTTAL ARGUMENTS:

- When the arguments for and against the measure have been selected the elections official shall send copies of the argument in favor to the authors of the argument against the measure, and copies of the argument against to the authors of the argument in favor of the measure. The authors may prepare and submit rebuttal arguments. The authors may authorize in writing (Authorization Form attached) any other person(s) to prepare and sign the rebuttal argument (allowed pursuant to Section 9069). This authorization should be filed with the rebuttal argument. §9167, 9504
- The persons filing the district initiative petition may prepare and submit a rebuttal to the argument against the ordinance. The district board may prepare and submit a rebuttal to the argument in favor. §9317
- Rebuttal arguments shall not exceed 250 words. §9167, 9317, 9504

IMPARTIAL ANALYSIS:

- The County Counsel shall prepare an impartial analysis of any county, special district or school district measure showing the effect of the measure on the existing law and the operation of the measure. The analysis will be printed in the Sample Ballot/Voter Information Pamphlet preceding the arguments for and against the measure. §9160, 9313, 9500
- The Impartial Analysis shall not exceed 500 words. §9160, 9313, 9500

FISCAL IMPACT STATEMENT:

- The County Auditor may be requested by the Board of Supervisors no later than 88 days prior to an election to prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The Fiscal Impact Statement shall be printed preceding the arguments for and against the measure. §9160
- The Fiscal Impact Statement shall not exceed 500 words. §9160

TAX RATE STATEMENT:

- Each bond measure proposed by a county, 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 have a tax rate statement mailed to the voters in the Sample Ballot/Voter Information Pamphlet. §9400, 9401

The law does not specify a word limit for such statements.

ORDER OF APPEARANCE IN THE SAMPLE BALLOT/VOTER'S INFORMATION PAMPHLET:

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

LETTERING OF MEASURES:

- Letters designating local measures will be assigned by the elections official. Letters will be assigned to measures, followed by the year in which the measure is on the ballot, in alphabetical order beginning with the letter following the last letter assigned in the previous election (within the calendar year). The lettering will start over with the letter "A" at the beginning of each calendar year, and continue through the alphabet until the end of that calendar year. (A-01, B-01, A-02) §13116
- For districts that overlap into other counties, the elections officials of those counties may mutually agree to use a letter designation for the measure that will not conflict or confuse the voter. §13116
- Measures will appear on the ballot in the following order pursuant to Elections Code §13109:
 1. Schools
 2. County
 3. Cities
 4. Districts

SIGNATURE STATEMENT:

- Each argument and rebuttal must be accompanied by the Signature Statement included in this guide and signed by each proponent and by each author, if different, of the argument. §9600
- The proponent of a measure is the person or persons who submit the Notice of Intention with a request that a Ballot Title and Summary be prepared. §9103
- Authors of arguments do not necessarily have to be the proponents.

HOW TO WRITE THE ARGUMENT:

- Be accurate. The argument will be printed as submitted. Spelling, punctuation and grammatical errors will not be corrected by the Elections Department staff.
- Type your argument and format it in block paragraph style with extra space between paragraphs.
- The argument must be written to address a single measure on the ballot. Combined statements pertaining to more than one measure will not be accepted.
- All arguments must be accompanied by the Signature Statement. §9600
- No more than five signatures shall appear with any argument. If more than five are submitted only the first five will be printed. §9164, 9501.5
- Do not use profanity or other objectionable language.
- The heading is standardized. Subheadings and deviations from the standardized heading will not be accepted.

Direct Arguments	Argument in Favor of Measure Argument Against Measure
Rebuttal Arguments -	Rebuttal to Argument in Favor of Measure Rebuttal to Argument Against Measure
- The following graphics may be used in the body of the argument:
 1. Boldface type for a few words
 2. Bullets, boxes, arrowheads, diamonds, asterisks
 3. All capital letters for a few words only
- Under the signatures of the authors please type their names and titles for clarification.

WORD COUNTING GUIDELINES: §9

- Punctuation is not counted.
- Words used in the title (Argument in Favor or Against Measure _____) are not counted.
- Each word shall be counted as one word except as specified.
- All geographical names shall be considered as one word - City of San Luis Obispo
- Each abbreviation for a word, phrase, or expression shall be counted as one word - UCLA, PTA, USMC.
- Hyphenated words that appear in any generally available standard reference dictionary shall be considered one word. Each part of all other hyphenated words shall be counted as a separate word.
- Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.
- Numbers consisting of a digit or digits shall be considered one word - 1, 100, 100,000. Any number which is spelled will be counted as a separate word or words - one (one word), one hundred (two words), one hundred thousand (three words).
- Telephone numbers and web site addresses shall be counted as one word.
- A digit or digits used with a % sign, a # sign, or a \$ sign are counted as one word.

TIME LINES FOR FILING ARGUMENTS

DIRECT ARGUMENTS: §9163, 9316, 9502

- Based on the time reasonably necessary to prepare and print the arguments, analysis, and sample ballots and to permit the 10-calendar-day public examination period for the particular election, the county elections official shall fix and determine a reasonable date prior to the election after which no arguments for or against the measure may be submitted for printing and distribution to the voters. This is a generic calendar for use by the county, districts and cities for placing a measure on the ballot. If a governing body orders an election for a measure at an earlier date than the deadline set by the elections official, the deadlines for the arguments may be different than the generic calendar.
- Notice of the date fixed shall be published by the county elections official for each measure placed on the ballot.
- Arguments may be changed until and including the date fixed by the county elections official.

REBUTTAL ARGUMENTS: §9167, 9317, 9504

- Once the elections official has selected the argument in favor and the argument against the measure, a copy of the argument in favor shall be sent to the authors of the argument against and a copy of the argument against the measure shall be sent to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments, not to exceed 250 words.
- The persons filing the district initiative petition may prepare and submit a rebuttal argument, not exceeding 250 words. The district board may prepare and submit a rebuttal to the argument in favor of the ordinance.
- The rebuttal arguments must be filed with the elections official not more than 10 days after the final date for filing direct arguments.
- The authors of the primary argument may designate in writing someone else to file the rebuttal argument on their behalf. T

PUBLIC EXAMINATION PERIOD: §9190, 9380, 9509

- Not less than 10 calendar days before the elections official submits the official election materials for printing, a copy of such materials shall be available for public examination in the election official's office. Any person may obtain a copy of the materials for use outside of the office for a fee of \$.10 per page.
- During the 10-calendar-day examination period, any voter of the jurisdiction in which the election is being held may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. A preemptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent and that the issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

SIGNATURE STATEMENT

All arguments concerning measures filed pursuant to Division 9 of the California Elections Code shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument. Only the first five signatures will be printed in the Sample Ballot/Voter Information Pamphlet.

The undersigned proponent(s) or author(s) of the

Argument in Favor of

Argument Against

Rebuttal to the Argument Against

Rebuttal to the Argument in Favor of

ballot measure (insert letter)_____

at the (insert type of election - Primary, General, Special)_____ Election

for the _____

(insert name of jurisdiction - County, Special District, School District)

to be held on (insert election date)_____ hereby state that such

argument is true and correct to the best of (insert his, her or their)_____ knowledge and belief.

Signed _____

Date _____

Print Name _____

Signed _____

Date _____

Print Name _____

Signed _____

Date _____

Print Name _____

Signed _____

Date _____

Print Name _____

Signed _____

Date _____

Print Name _____

Contact person: _____

Phone # _____

ARGUMENT/REBUTTAL filed by (check any of the following that apply):

Board of Supervisors or Governing Board

Bona Fide Sponsors or Proponents of the Measure

Bona Fide Association of Citizens- Name of Association: _____

Principal Officers: _____

Individual Voter Eligible to Vote on the Measure

AUTHORIZATION BY AUTHORS OF THE DIRECT ARGUMENT TO HAVE THE REBUTTAL SIGNED BY DIFFERENT AUTHORS

To be completed by the signer(s) of the direct argument only if the rebuttal argument is to be signed by different author(s).

The undersigned author(s) of the direct argument

- In Favor of Measure
- Against Measure

at the (insert type of election) _____ Election

for the (insert jurisdiction) _____

to be held on (insert date of election) _____

hereby authorize the following individual(s) to sign the rebuttal argument in their place:
(Print Name(s))

1. _____ 2. _____

3. _____ 4. _____

5. _____

The signer(s) of the direct argument were: (Print Name(s))

1. _____ 2. _____

3. _____ 4. _____

5. _____

Authorized signature(s) of the signer(s) of the direct argument:

Signature

Signature

Signature

Signature

Signature

Date

Date

Date

Date

Date