

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 to the Placer County Elections Office concerning ballot 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.

OVERVIEW

Information for Ballot Arguments/Rebuttals and Word Count for Measures

The California Elections Code governs the preparation and submittal of ballot arguments and rebuttal arguments in favor of or against ballot measures. The Placer County Elections Office has prepared this guide to help answer questions regarding the ballot argument preparation and submittal process. If you have questions not answered by the information below, please contact the Placer County Elections Office.

Any references to "E.C." refer to the California Elections Code.

BALLOT ARGUMENTS:

Who May File

County Measures (E.C. § 9162):

The Board of Supervisors or any member or members of the board, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of these voters and associations may file a written argument for or against any county measure. No argument shall exceed 300 words in length.

Municipal Measures (E.C. § 9282):

(a) For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.

(b) For measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure.

(c) An argument shall not exceed 300 words in length.

(d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments: "Arguments in support or opposition of the proposed laws are the opinions of the authors."

(e) The city elections official shall enclose a printed copy of both arguments with each voter information guide, but only those arguments filed pursuant to this section shall be

printed and enclosed with the voter information guide. The printed arguments are "official matter" within the meaning of Section 13303.

(f) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure ___" or "Argument Against Measure ___," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in these titles.

District Initiatives (E.C. §§ 9315):

The persons filing an initiative petition may file a written argument in favor of the ordinance. The district board may submit an argument against the ordinance. Neither argument shall exceed 300 words in length, and both arguments shall be printed and mailed to each voter with the voter information guide for the election.

The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support of or in opposition to the proposed laws are the opinions of the authors."

Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure ___" or "Argument Against Measure ___", accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the district elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any argument.

School Measures (E.C. § 9501):

(a) The governing board of the school district or any member or members of the governing board, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of such voters and associations may file a written argument for or against any school measure. An argument shall not exceed 300 words in length. The elections official shall cause an argument for and an argument against the measure, if submitted, to be printed, and shall include the arguments, preceded by the analysis, in the county voter information guide.

(b) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument in Favor of Measure ___" or "Argument Against Measure ___," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any measure.

Filing Requirements

Title (E.C. §§ 9162(b), 9282(c), 9315, 9501(b)):

The arguments shall be titled either “Argument In Favor Of Measure__” or Argument Against Measure__”, accordingly, the blank spaces being filled in only with the letter or number, if any, which designates the measure. At the discretion of the county elections official, the word “Proposition” may be substituted for the word “Measure” in the titles. Words used in the title shall not be counted when determining the length of an argument.

Number of Words (E.C. §§ 9162(a), 9282(c), 9315, 9501(a)):

Arguments cannot exceed 300 words in length. Arguments for school district reorganization measures may not exceed 500 words. (Education Code §35758)

Signatures (E.C. §§ 9164, 9283, 9501.5):

No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Argument Not Accepted Without Consent From Person Included In Text (E.C. §§ 9164, 9283, 9501.5):

A ballot argument shall not be accepted under this article unless 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.

More Than One Argument (E.C. §§ 9166(a), 9287(a), 9503(a)):

If more than one argument for or against any county, district or school measure is submitted to the county elections official within the time prescribed, the county elections official shall select one of the arguments in the favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the county elections official shall give preference and priority in the order named to the arguments of the following:

- 1) The board of supervisors, or a member or members of the board.
- 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 associations of citizens.
- 4) Individual voters who are eligible to vote on the measure.

To enable the county elections official to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a county measure shall submit with its argument a copy of one of the following:

- 1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents.
- 2) Letterhead containing the name of the organization and its principal officers.
- 3) If the organization or association is a primarily formed committee established to support or oppose the measure, its statement of organization filed pursuant to Section 84101 of the Government Code.

Signature Statement (E.C. § 9600):

Each argument and rebuttal must be accompanied by the Ballot Argument Statement Form. See last pages of packet.

Note: 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.

REBUTTAL ARGUMENTS:

When the elections official has selected the arguments for and against the measure, which will be printed and distributed to the voters, the elections official shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. (E.C. §§ 9167(a), 9285(a), 9317, 9504(a))

The rebuttal argument shall be submitted to the elections official conducting the election no later than a date designated by the elections official.

Rebuttal arguments written by an individual other than the author of the primary argument will need to be accompanied by written authorization from the author of the primary argument. (E.C. § 9167) Filers may use the authorization form found in this packet.

Rebuttal Requirements

Title (E.C §§ 9167(b), 9317(b), 9504(b)):

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut and

shall be titled “Rebuttal to Argument in Favor of Measure (or Proposition) _____,” or “Rebuttal to Argument Against Measure (or Proposition) _____,” the blank spaces being filled in only with the letter or number, if any, designating the measure. Words used in the title may not be counted when determining the length of any rebuttal argument.

Number of Words (E.C. §§ 9167(a), 9285(a)(3), 9317(a), 9504(a)):

Rebuttal arguments are limited to 250 words.

Signatures: See “Signatures” paragraph above.

Argument Not Accepted without Consent from Person Included in Text: See “Argument Not Accepted Without Consent From Person Included in Text” paragraph above.

More Than One Rebuttal Argument: See “More Than One Argument” paragraph above.

IMPARTIAL ANALYSIS:

Who Prepares

County Measures (E.C § 9160):

County Counsel is required to prepare an impartial analysis of a county measure. County Counsel for each individual county will prepare the analysis for any measure proposed by a jurisdiction that crosses county lines.

Municipal Measures (E.C. § 9280):

The city attorney shall prepare an impartial analysis of a city measure.

District Initiatives (E.C. §§ 9313, 9314):

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.

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.

School Measures (E.C. § 9500):

County Counsel is required to prepare an impartial analysis of a county measure. County Counsel for each individual county will prepare the analysis for any measure proposed by a jurisdiction that crosses county lines.

Impartial Analysis Requirements (E.C. §§ 9160, 9280, 9313, 9314, 9500):

The impartial analysis may not exceed 500 words.

FISCAL IMPACT STATEMENT:

E.C. § 9160:

The Board of Supervisors may direct the County Auditor-Controller no later than 88 days prior to an election to prepare a fiscal impact statement of a county measure.

The fiscal impact statement shall not exceed 500 words.

TAX RATE STATEMENT:

E.C. §§ 9400, 9401:

Each bond measure proposed by a county, city, district, or other political subdivision or by any agency, department, or board thereof, the security for which constitutes a lien on the property within the jurisdiction, shall mail a tax rate statement with the sample ballot. 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 OF APPEARANCE IN VOTER'S INFORMATION PAMPHLET:

Arguments, rebuttals, and impartial analyses are printed in the voter's information guide and mailed to all registered voters in the jurisdiction eligible to vote for the particular measure. The arguments appear in the following order:

1. Text of Measure
2. Impartial Analysis
3. Fiscal Impact Statement and/or Tax Rate Statement (when necessary)
4. Argument in favor
5. Rebuttal to Argument in Favor
6. Argument Against
7. Rebuttal to Argument Against
8. Resolution

WORD COUNT GUIDELINES:

E.C. 9:

Counting of words, for purposes of this code, shall be as follows:

1. Punctuation is not counted.
2. Each word shall be counted as one word except as specified in this section.
3. All proper nouns, including geographical names, shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
4. Each abbreviation for a word, phrase, or expression shall be counted as one word.
5. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, including a generally available standard reference dictionary published online, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
6. Dates shall be counted as one word.
7. Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
8. Telephone numbers shall be counted as one word.
9. Internet website addresses shall be counted as one word.

SUBMITTING ARGUMENTS/ANALYSES BY E-MAIL:

To help us cut costs and to ensure arguments are printed exactly as filed, we encourage you to submit an electric copy of the arguments/analyses by e-mail to candidates@placer.ca.gov (the original with wet signatures should still be submitted by the deadline).

1. Word format is preferred.
2. Provide a hard copy of the text with original signatures. The hard copy is the official copy. If there are discrepancies between the electronic copy and the hard copy, the Elections Office will use the hard copy as the official document.
3. Note: The Elections Office reserves the right to reformat for printing in the voter information guide.

DEADLINES:

Contact the Elections Office at 530-886-5650 or visit our website at www.placercountyelections.gov for filing deadlines for a particular measure. For a cross-county measure contact each county as filing deadlines sometimes vary.

Arguments: Arguments are due by 5:00 PM on the deadline set out 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 5:00 PM 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 no later than the 88th day prior to the election. Statements are available to the public after the 5:00 PM deadline.

Rebuttals: Ten days after the argument is due, rebuttals are due by 5:00 PM; rebuttals are available to the public after the 5:00 PM deadline.

Analysis: County Counsel prepares an impartial analysis of each measure and it is filed on the same day rebuttals are due. If requested by the Board of Supervisors, the County Auditor may also submit an analysis. Analyses are public after the 5:00 PM deadline.

Place to File: For all measures except city measures and state propositions, submit to Placer County Elections Office, 3715 Atherton Road, Rocklin, CA 95765. Phone: 530-886-5650 or 1-800-824-8683. For city measures, contact the applicable city clerk. For state propositions, contact the Secretary of State.

Confidentiality: Arguments, rebuttals and analyses shall remain confidential until 5:00 PM on the date they are due. **Withdrawal/Changes (E.C. §§ 9163, 9316, 9502, 9601):** Arguments, rebuttals and analyses may be changed or withdrawn until and including the date fixed for final submission to the elections official.

Public Examination (E.C §§ 9190, 9295, 9380, 9509): 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 examination. A writ of mandate or injunction may be sought to require amendments or deletions to any or all of the materials.

BALLOT ARGUMENT STATEMENT FORM

Election Code Section 9600

All arguments concerning measures filed pursuant to California Elections Code Division 9, commencing with Section 9000 shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the _____
(primary/rebuttal to)

argument _____ ballot measure _____
(in favor of/against) (name or number)

at the _____
(title of election)

election for the _____
(jurisdiction)

to be held on _____ hereby state that this argument
(date of election)

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

PROPONENT INFORMATION (The signatures will be printed in this order on the voter information guide)

1. Signed _____ Date _____

Printed name _____ Title _____

2. Signed _____ Date _____

Printed name _____ Title _____

3. Signed _____ Date _____

Printed name _____ Title _____

4. Signed _____ Date _____

Printed name _____ Title _____

5. Signed _____ Date _____

Printed name _____ Title _____

AUTHOR INFORMATION

Signed _____ Date _____

Printed name _____ Title _____

Mailing Address _____

AUTHORIZATION FORM
(For Rebuttal Arguments Only)

I, _____, as the author on the primary argument in favor of _____ or argument against _____ do hereby authorize the following person to sign in my place on the rebuttal to the argument in favor of _____ or rebuttal to the argument against _____.

The following must be completed with the information on the new author:

Print Name: _____

Residence Address: _____

Mailing Address: _____

City / Zip Code: _____

The following must be completed with the information on the original author:

Print Name: _____

Residence Address: _____

Mailing Address: _____

City / Zip Code: _____

(Signature of Original Author)