

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 of the Santa Cruz City Clerk/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 city measure?

For purposes of this guide, a city 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 citizen initiative or referendum.

Whom do I contact regarding city measures?

Contact City Clerk Bonnie Bush

809 Center Street, Room 8, Santa Cruz, CA / (831) 420-5035

bbush@santacruzca.gov

Is there a fee to file an argument or rebuttal?

No. The filer does not have to pay a fee to file an argument or rebuttal. The cost of printing the ballot measure materials in the voter guide is billed to the jurisdiction calling the election.

ARGUMENTS FOR AND AGAINST

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

Once the City Council passes a resolution calling for an election, the City Clerk will prepare and publish a legal notice indicating the specifics of the measure including deadlines to file arguments for or against the measure.

Who can file arguments for or against?

The City Council or authorized member(s) of the City Council authorized governing body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure. (§9120, 9162, 9282, 9501)

If more than one argument for or against any measure is submitted, the City elections official shall select one for printing in the Voter's Information Guide pursuant to the following priority: 1. The City Council or any authorized member(s) of the Council; 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 association of citizens; 4. Individual voters who are eligible to vote on the measure. (Election Code §9166,9503)

Exceptions for City measures put on the ballot by initiative:

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)

Filer vs. Signers

- The ***filer*** does not have to be a ***signer*** of the argument;
- Anyone can ***sign*** arguments for or against a City measure;
- The ***filer*** of the argument must be eligible to vote on the argument.
- All arguments and rebuttals must be filed with the Signature Statement contained in the handbook.
- A person does not need to be eligible to vote on a ballot measure to be one of the signers of an argument or rebuttal argument.

Format for Arguments

- Arguments must not exceed 300 words. (§9162) See **Attachment A** for guidelines on counting words.
- The heading and the signatures are not included in the word count. (§9162)
- Arguments shall use the following headings:
 Argument in favor of Measure ____
 Argument against Measure ____
- Arguments cannot contain more than 5 signatures.
- Arguments should be typed and in a block format. See **Attachment B** for more information.
- Arguments must be emailed to bbush@santacruzca.gov in a Word file, in addition to in-person submission of a hardcopy.

Signature Statement

- 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 to bbush@santacruzca.gov 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 City Clerk/Elections Official within 48 hours of electronic transmission or the item(s) will not be considered as filed (weekends and holidays excepted).
- 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**.

NOTICE: The County of Santa Cruz Board of Supervisors rescinded their prior decision to opt out of listing supporters and opponents for local measures in accordance with AB 1416.

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 Clerk/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:
 Rebuttal to Argument in Favor of Measure ____
 Rebuttal to Argument against Measure ____
- Rebuttal arguments may be signed by the same people who signed the argument, or the original author(s) of the original argument can authorize up to 5 new people to sign the rebuttal by completing the Authorization in **Attachment E**.
- Rebuttals can be signed by **up to** 5 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.
- Rebuttals should be emailed to bbush@santacruzca.gov in Word format.

ANALYSES

Impartial Analysis

The City Attorney shall prepare an impartial analysis of a city measure, which may not exceed 500 words. (§9280)

Fiscal Analysis

The Finance Director may be requested by the City Council no later than 88 days prior to an election to prepare a fiscal analysis of a City measure. The statement shall not exceed 500 words. (§9160)

Tax Rate Statement

Each bond measure proposed by a city, 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 City Clerk/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 County Elections Department shortly after 5pm on the 88th day 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. Measures will appear on the ballot in the following order pursuant to Elections Code §13109:

1. County Board of Education;
2. College;
3. Unified Schools;
4. High Schools;
5. Elementary Schools;
6. County;
7. Cities;
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 at (831) 420-5035 or bbush@santacruzca.gov, or visit the City's website at <https://www.santacruzca.gov/Government/City-Departments/City-Clerk/Elections> for filing deadlines for a particular measure.

Arguments:

Arguments for a City measure are due by 3:00 p.m. on the deadline date. The County Clerk will notify the City Clerk/Elections Official when the deadline date has been selected. 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 5:00 p.m. **Please note:** the deadline date is established well in advance and will be publicly noticed on the elections page on the City's website.

Tax Rate Statement:

Tax Rate Statements must be supplied for each bond issue proposed by the city. 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 3:00 p.m. on the deadline date. The County Clerk will notify the City Clerk/Elections Official when the deadline date has been selected. 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. **Please note:** the deadline date is established well in advance and will be publicly noticed on the elections page on the City's website.

Analysis:

The City Attorney prepares an impartial analysis of each measure and it is filed on a date set by the City Clerk and is the same date initial arguments are due. Analyses are public after the 5:00 p.m. deadline.

Place to File:

City Clerk's Office, 809 Center Street, Room 8, (831) 420-5035

All Other Measures: Contact the Santa Cruz County Clerk/Elections, 701 Ocean Street, Room 210, (831) 454-2060 to determine where to file.

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 bbush@santacruzca.gov.

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.

To email, you must first scan the document with the signature(s) and email to the City Clerk - bbush@santacruzca.gov.

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 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 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)	<div>Z</div>	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 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 (add City website info here) or call (add City contact information here) and a copy will be mailed to you at no cost.		
	Fiscal Impact Statement of Measure Z		
	Tax Rate Statement of Measure Z		
Arguments	Argument For Measure Z Argument Against Measure Z		
Rebuttals	Rebuttal to Argument For Measure Z Rebuttal to Argument Against Measure Z		
Ballot	MEASURES SUBMITTED TO THE VOTERS		<div><div><div>←</div><div>→</div></div><div><div>←</div><div>→</div></div></div>
	CITY		
	Z 75-word ballot question... (§13247)	YES	
		NO	



CITY OF SANTA CRUZ

Argument / Rebuttal Signature Statement Form

ATTACHMENT D

The City of Santa Cruz Elections Official requires this statement be completed and submitted with the argument. Names and titles listed will be printed in the order provided, and will appear as indicated below. No more than five names may be listed.

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

- ☐ City Council or any authorized member(s) of the Council
☐ Individual voter who is eligible to vote on the measure
☐ Bona Fide Association of Citizens (see Elections Code 9166, 9287, 9503)

Ballot Argument Contact:

Name: _____

Residence Address: _____

Day Phone: _____ Evening Phone: _____

Cell Phone: _____ Fax: _____

Work Phone: _____ E-mail: _____

Filer's Signature: _____

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 letter _____, to be voted on at the Primary General Special election for the City of Santa Cruz to be held on _____ hereby state that this argument is true and correct to the best of their knowledge and belief.

Each person must clearly print and sign as indicated below. Printing will be in the order as submitted.

	Print Name Clearly	Print Title and Name of Organization	Signature	Date
1				
2				
3				
4				
5				

ATTACHMENT E

AUTHORIZATION FOR ANOTHER PERSON(S) TO SIGN REBUTTAL ARGUMENT

Authorization must be provided by the original signer(s) of the primary argument(s) in favor of or against the specified measure, when a different person(s) will prepare, submit, or sign the rebuttal argument (Elections Codes §§9167, 9285, 9317, 9504).

"The undersigned or signer(s) of the: ☐ Primary argument in favor ☐ Primary argument against ballot measure ____ (insert letter) at the ☐ Primary ☐ General ☐ Special election to be held on _____ authorize(s) the following individual(s) to sign the Rebuttal

(election date)

Argument in his/her/their place:

1. _____ to sign instead of _____.
(print name of rebuttal signer) (signature of Primary Argument signer)
2. _____ to sign instead of _____.
(print name of rebuttal signer) (signature of Primary Argument signer)
3. _____ to sign instead of _____.
(print name of rebuttal signer) (signature of Primary Argument signer)
4. _____ to sign instead of _____.
(print name of rebuttal signer) (signature of Primary Argument signer)
5. _____ to sign instead of _____.
(print name of rebuttal signer) (signature of Primary Argument signer)

Signature of **Filer**: _____ Date: _____

Attach this form to the 2-page "Signature Statement" submitted with the rebuttal argument.