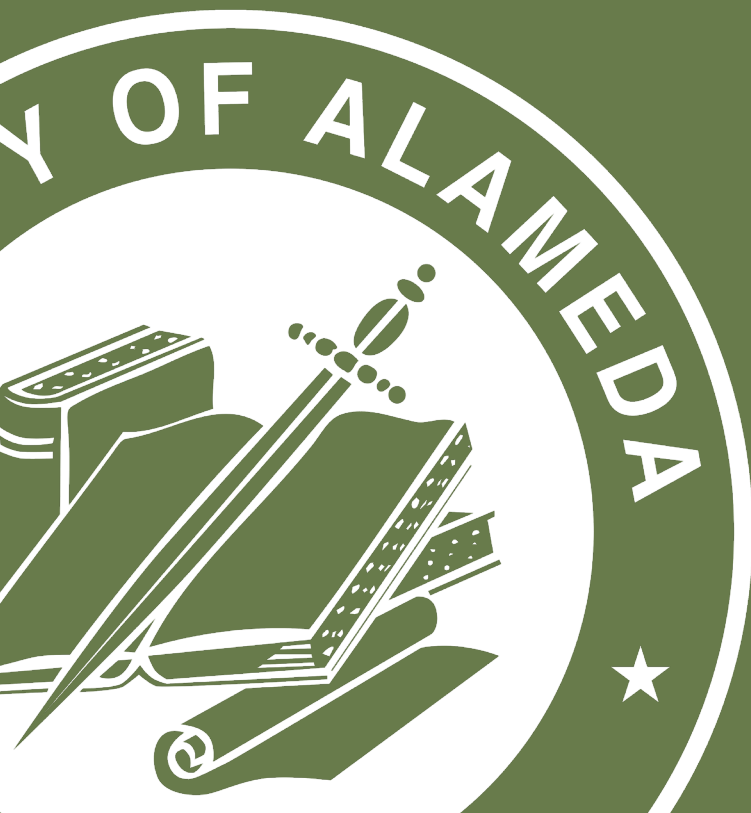

Guide to Filing Measure Arguments

For County, School Districts and Special Districts

This guide was developed in an effort to provide answers to questions frequently asked to the Alameda County Registrar of Voters office concerning county, school districts, special districts, and local judicial offices. 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.



1225 Fallon Street, Rm. G-1,
Oakland, CA 94612
ACVOTE.ORG
(510) 272-6933



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 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.
- 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 of 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 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 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.
- Rebuttal arguments must be signed with original signatures by the same authors of the arguments unless the filers of the arguments authorizes in writing (see form attached) for another person or persons to sign the rebuttal arguments. (Allowed pursuant to §9069, even though it pertains specifically to state measures.) A “Release for Rebuttal Argument” should be filed with the rebuttal arguments. The authorization may be accepted after the filing deadline.
- Rebuttal arguments must not exceed 250 words. (§9167, 9220, 9285, 9317, 9504)

IMPARTIAL ANALYSIS:

- **County or School Measure:** The County Counsel or District Attorney is required to prepare an impartial analysis of a county or school measure. (§9160, 9500)
- **City Measure:** The City Attorney shall prepare an impartial analysis of a city measure. (§9280)
- **Special District:** 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)
- **Water District:** For water district initiatives, the counsel for the district, or if there is no counsel, 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)
- The impartial analysis must not exceed 500 words. (§9160, 9313, 9314, 9500)

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. 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/Voter Information Pamphlet. (§9400, 9401)
- The law does not specify a word limit for such statements.

ORDER OF APPEARANCE IN VOTER'S INFORMATION PAMPHLET

- Arguments, rebuttal arguments 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

The Registrar of Voters assigns letters to local measures based on Sections 13109 and 13116 of the California Code.

TIMELINE FOR ASSIGNING MEASURE LETTERS

- Ballot measures for elections are due to the Board of Supervisors with a copy to the Registrar of Voters by 88 days before an election. The Registrar of Voters assigns measure letters by the following Monday (E-85) and publishes a notice of the deadlines to submit arguments and rebuttals.

ORDER OF MEASURES ON BALLOT

- Section 13109 of the California Elections Code sets forth the order of precedence of state propositions and local measures on the ballot as follows:
 1. State
 2. Judicial
 3. School
 4. County
 5. City
 6. District

but local measures must always follow state propositions, which are numbered.

JURISDICTION WITH MULTIPLE MEASURES

- If a jurisdiction submits multiple measures, they are arranged in the order of their ordinance number. The jurisdiction can also specify the order in which the measures should appear on the ballot.

MULTIPLE JURISDICTIONS ON BALLOT

- When there are multiple jurisdictions on the ballot – for example, several cities, school districts or special districts, the jurisdictions are first arranged in alphabetical order within each type of jurisdiction before the letters are assigned.

ASSIGNMENT OF LETTERS

- All letters will be assigned in Alphabetical order, beginning with the letter “A” and continuing through the alphabet to the letter “Z”. The order and precedence of all offices and measures that are to be placed on the ballot shall be pursuant to California Elections Code Section 13109. It is the policy of Alameda County Elections not to designate the letters C, D and F in conjunction with school and community college district measures, as some would associate these letters as unsatisfactory grades.
- When the year is complete all left over letters will remain unused. Each year begins with the letter “A”.
- If during the year all letters have been used, lettering will continue with “AA”, “BB”, etc.
- Alameda County Registrar of Voters does not permit any requests for letter change. Specific letter requests for measures are also not permitted.

WHEN A JURISDICTION COVERS TWO OR MORE COUNTIES

- When a jurisdiction covers two or more counties, the Election Official in each county can mutually agree to use the same letter for the measure.

IF A MEASURE IS WITHDRAWN

- The legislative body may amend or withdraw its measure by filing a resolution stating the specifics concerning the amendment or withdrawal not later than 83 days before an election. (§9604, 9605). An initiative or referendum measure may be withdrawn by filing a Notice of Withdrawal signed by all proponents. If a measure is withdrawn after the letters have been assigned, the letter which was assigned to that measure will not be used.

FORM STATEMENT

- Each argument and rebuttal argument must be accompanied by the submission form included in this guide and signed by each proponent and by each author, if different, of the argument. (§9600)
- There is a distinction between a “filer” and a “signer or author”. The filer of the argument or rebuttal argument 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 argument can be any person or any organization accompanied by a signature of a principal officer. Filers do not have to be signers.
- Authors of arguments must be registered voters and eligible to vote on the measure or a bona fide association of citizens, or any combination of registered voters and associations at the time of signing the argument. All authors signing on behalf of organizations must furnish at time of filing written authorization from the organization on its letterhead. In order to ensure qualification of a bona fide association, our office may require supplemental information to be filed.
- No more than five signatures shall appear with any argument submitted. If more than five are submitted, only the first five will appear on the voter information pamphlet.

DEADLINES - ELECTION

Contact the Alameda County Registrar of Voters office at (510) 272-6933 for filing deadlines for a particular measure.

- **Arguments:** 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 statement 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 p.m. deadline.
- **Rebuttals:** Rebuttals to Arguments For or Against are due 5 days after the arguments 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 when 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:** Alameda County Registrar of Voters office
1225 Fallon Street Room G-1
Oakland, CA 94612
- **Filing by FAX:** Signatures on arguments, rebuttal arguments and analyses must appear on the same page as the argument, rebuttal argument 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 prior to the 5 p.m. on deadline days to be accepted as filed. The FAX number is (510) 272-6982.
- **Confidentiality:** Arguments, rebuttal arguments and analyses shall remain confidential until 5 p.m. on the date they are due.
- **Withdrawal/Changes:** Arguments, rebuttal arguments and analyses may be changed or withdrawn until and including the date fixed for final submission to the election official. (§9163, 9316, 9601)
- **Public Inspection:** During a 10-day period following the final deadline for filing documents, arguments, rebuttal arguments and analyses are available for a 10-day public inspection period. A writ of mandate or injunction may be sought to require amendments or decisions. (§9190, 9295, 9380, 9509)

HOW TO WRITE YOUR ARGUMENT, REBUTTAL OR ANALYSIS

- Indicate what type of argument you are submitting in the heading title. (ex. Argument in Favor of Measure A) *This will not be counted in the word count
- Be accurate. Documents will be printed as submitted. Spelling, punctuation, and grammatical errors will not be corrected by the Elections Department staff.
- An argument, rebuttal, analysis or tax rate statements 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 rebuttal arguments must be accompanied by a submission form. (\$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, rebuttal arguments, 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, rebuttal arguments, analyses and tax rate statement are printed in the Voter's Information Pamphlet.
- Arguments must be typed.
- Limited use of **bolding**, CAPITALIZING, underlining, *italics*, centering text, and bullets (small solid circle only) are permitted.

SUBMITTING AN ARGUMENT/ANALYSES ELECTRONICALLY

- To ensure your text is printed exactly as submitted, we encourage submitting arguments/analyses on a CD or on a USB drive.
- Preferred word processor: Microsoft Word

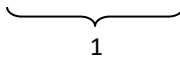

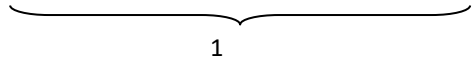
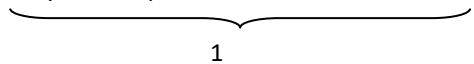
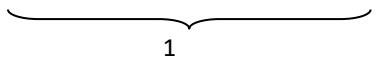
WORD COUNT STANDARDS

Pursuant to Elections Code Section 9

Punctuation	not counted
Single Character (l, a, \$, &)	one
Dictionary Words	one
Abbreviation/Acronyms (E.B.R.P.D or EBRPD)	one
Proper nouns, geographical names of cities and counties	one
Streets, bridges	one for each word
Names of areas, such as Bay Area, East Bay, South Bay, etc.	one word
Names of school districts and special districts defined by political boundaries on map	one
All other proper names	one for each word
Telephone numbers, e-mail and web site addresses	one
Whole Numbers; Digits (1 or 100, etc.) Spelled out (one hundred)	one one for each word
Dates: All digits (4/5/99) Words and digits (April 5, 1999)	one two
Words hyphenated in any generally available dictionary	one
Hyphenated words not hyphenated in dictionary	one for each part

***see back page for examples**

WORD COUNT STANDARDS: EXAMPLES

San Francisco Bay Area	San Francisco Bay Area  1	1 word
Main Street	Main Street  1	1 word
Alameda Contra Costa Transit, Ward 1	Alameda Contra Costa Transit, Ward 1  1	1 word
Bay Area Rapid Transit District, Ward 1	Bay Area Rapid Transit District, Ward 1  1	1 word
Albany Unified School District	Albany Unified School District  1	1 word

STANDARDIZED HEADINGS

SUBJECT	HEADING
Arguments	ARGUMENT IN FAVOR OF MEASURE ____ ARGUMENT AGAINST MEASURE ____
Rebuttals	REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE ____ REBUTTAL TO ARGUMENT AGAINST MEASURE ____
Analyses	COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE ____
	CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE ____
	FISCAL IMPACT OF MEASURE ____
	TAX RATE STATEMENT OF MEASURE ____
	FULL TEXT OF MEASURE ____

HOW MEASURE MAY APPEAR

Example of how the measure may appear in the Voter Information Pamphlet:

BERKELEY UNIFIED SCHOOL DISTRICT MEASURE H

H BERKELEY PUBLIC SCHOOLS FACILITIES SAFETY AND MAINTENANCE ACT OF 2010 To provide essential maintenance of schools and grounds, shall Berkeley Unified School District continue its existing special tax of 6.31¢/square foot on residential buildings and 9.46¢/square foot on commercial buildings, and \$20 on unimproved parcels with annual cost-of-living adjustments for 10 years? Revenues maintain school buildings, classrooms, playgrounds, roofs, electrical systems, and address fire and safety hazards. The state cannot take the funds. An independent committee oversees funds.	YES
	NO

These purposes include grounds operations and maintenance of District buildings and grounds. The measure further provides that the monies collected shall be accounted for separately and shall be expended only for those specified purposes. The Facilities Safety and Maintenance Oversight Committee will monitor the implementation of the measure, and the District will make revenue and expenditure reports available to the Committee and the public four times per year.

If two-thirds of the qualified electors voting on this measure do not vote for approval, the measure will fail, and the District will not be authorized to levy the special tax.

s/RICHARD E. WINNIE
County Counsel

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE H

ANALYSIS BY ALAMEDA COUNTY COUNSEL OF A BERKELEY UNIFIED SCHOOL DISTRICT SPECIAL PARCEL TAX MEASURE

Measure H, a Berkeley Unified School District ("District") special parcel tax measure, seeks voter approval to authorize the District to levy an annual special parcel tax on improvements of residential and commercial parcels and on unimproved parcels for a period of ten years, beginning July 1, 2013. This measure would levy an annual tax of 6.31¢ per square foot on all improvements on residential parcels; 9.46¢ per square foot on all improvements of commercial parcels; and \$20.00 per parcel of unimproved parcels. These rates may be increased by a cost-of-living adjustment equal to the annual percentage increase of the State of California statutory inflation adjustment.

School districts have the authority to levy special taxes upon approval by two-thirds of the votes cast on the special tax proposals pursuant to California Constitution Article XIII A, Section 4 and Article XIII C, Section 2, and California Government Code Sections 50075-50077, 50079, and 53722.

If two-thirds of the qualified electors voting on this measure vote for approval, a special tax will be imposed annually for ten years at the rates described above. The tax will be collected by the Alameda County Treasurer-Tax Collector at the same time and in the same manner as *ad valorem* property taxes are collected. Upon annual application to the City of Berkeley, an exemption of any tax assessment year may be granted for any single-family residential parcel or multi-family dwelling unit owned and occupied by one or more very low-income senior citizen(s) 65 years of age or older as defined by the Berkeley Municipal Code.

If two-thirds of the qualified electors voting on this measure vote for approval, the allocation of the funding revenue is to be used for the specific purposes set forth in the full text of the measure printed in this sample ballot.

B5M4-1

The above statement is an impartial analysis of Measure H, which measure is printed in full in this sample ballot pamphlet. If you desire an additional copy of the measure, please call the Elections Official's office at (510) 272-6933 and a copy will be mailed at no cost to you.

Example of how the measure may appear on the actual ballot:

MEASURES SUBMITTED TO THE VOTERS	
COUNTY	
F Alameda County Transportation Improvement Measure "To repair and maintain local streets and roads; improve traffic flow and bicyclist, pedestrian and driver safety; improve public transportation, and encourage green transportation options; shall a local vehicle registration fee of ten dollars be established in Alameda County with expenditures subject to strict monitoring and with all revenues staying in Alameda County?"	YES ← <input type="checkbox"/> NO ← <input type="checkbox"/>
SCHOOL	
L OAKLAND STUDENT ACHIEVEMENT, SUPPORT AND SAFETY: to offset severe state budget cuts, improve student achievement, help every child read at or above grade level, and prepare students for college and careers by retaining teachers, teachers' aides, safety officers and other student support staff, shall Oakland Unified School District levy a tax of \$195 per parcel annually for ten years, with low-income taxpayer exemptions, independent audits and citizens' oversight, and no money for Sacramento or administrators' salaries?	YES ← <input type="checkbox"/> NO ← <input type="checkbox"/>
CITY OF OAKLAND	
V Shall the Oakland Municipal Code be amended to increase the business tax rate for "Medical Cannabis Businesses" from \$18 per \$1,000 of gross receipts to \$50 per \$1,000 of gross receipts, and creating a new "Non-Medical Cannabis Business Tax" of \$100 per \$1,000 of gross receipts, with all proceeds placed in the City's General Fund to be used for any governmental purpose?	YES ← <input type="checkbox"/> NO ← <input type="checkbox"/>
W To support vital city services including public safety, library services, and parks and recreation, shall the Oakland Municipal Code be amended to establish a telephone "access line" tax at a rate of \$1.99 per month per access line and \$13 per month per "trunk line" with all proceeds placed in the City's General Fund subject to annual audits?	YES ← <input type="checkbox"/> NO ← <input type="checkbox"/>



**BALLOT MEASURE ARGUMENT
SUBMISSION FORM**

Official Use Only: Date Stamp

Submission of: (select one)

Argument in Favor
(300 words or less)

Argument Against
(300 words or less)

Measure letter: _____

Title of Election: _____

Jurisdiction: _____

Election Date: _____

Submitted by: (select one)

The Governing Body of Alameda County, a school district, or a special district

A governing board member who signs an argument must be authorized to do so by the governing board.

Bona Fide Organization

Arguments from a bona fide organization must be signed by one of the principal officers. The individual signing an argument on behalf of a bona fide organization does not have to be a registered voter in the jurisdiction.

Individual(s) eligible to vote on the measure

Individual(s) signing an argument must be registered voters eligible to vote on the measure.

Indicate County Board Member or Specific District: (if applicable)

Name of Organization/Association: (if applicable)

Contact Person's Printed Name:

Address:

Title:

Phone #:

Fax #:

E-Mail:

Permission to Post Contact Information on Internet

Grant Deny

Permission to the Alameda County Registrar of Voters to post the below listed information on the Alameda County Registrar of Voters internet site.

INFORMATION TO BE POSTED:

Name:(Print)

Address:

Phone #:

Fax #:

E-Mail Address:

Website Address:

Signature:

Date:

Argument/Rebuttal Signatures

Official Use Only: Date Stamp

Submitted by:

Name: _____ Phone#: _____

Email: _____

No more than five signatures shall appear with any argument submitted. If more than five are submitted, only the first five will appear on the voter information pamphlet.

Names and titles listed will be printed in the order that they are listed in below.

DECLARATION BY AUTHOR(S) OF ARGUMENTS OR REBUTTALS (Election Code Section 9600)

The undersigned author(s) of the argument:

Measure _____ Election Date: _____ Jurisdiction: _____

- | | |
|--|---|
| <input type="checkbox"/> Argument in Favor
(300 words or less) | <input type="checkbox"/> Argument Against Measure
(300 words or less) |
| <input type="checkbox"/> Rebuttal to Argument Against
(250 words or less) | <input type="checkbox"/> Rebuttal to Argument in Favor
(250 words or less) |

Hereby state that such argument is true and correct to the best of (his/her/their) knowledge and belief.

The Governing Body of Alameda County, a school district, or a special district	Bona Fide Organization	Individual (s) eligible to vote on the measure
---	------------------------	---

1.	Print Name: _____	Title: _____
	Residence Address: _____	
	Signature: _____	Date: _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

2.	Print Name: _____	Title: _____
	Residence Address: _____	
	Signature: _____	Date: _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

3.	Print Name: _____	Title: _____
	Residence Address: _____	
	Signature: _____	Date: _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

4.	Print Name: _____	Title: _____
	Residence Address: _____	
	Signature: _____	Date: _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

5.	Print Name: _____	Title: _____
	Residence Address: _____	
	Signature: _____	Date: _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

Release of Signatures for Rebuttal Arguments

Official Use Only: Date Stamp

Submitted by:

Name:

Phone #:

E-Mail Address:

Measure _____ Election Date: _____ Jurisdiction: _____

The undersigned author(s) of the direct argument

In Favor

Against

The original signers were:

1. Print Name:

Signature:

Date:

2. Print Name:

Signature:

Date:

3. Print Name:

Signature:

Date:

4. Print Name:

Signature:

Date:

5. Print Name:

Signature:

Date: