



A L A M E D A C O U N T Y

# Registrar of Voters

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## GUIDE TO FILING MEASURE ARGUMENTS

For County, School District, 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, and special district 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 city measures please contact your City Clerk.

December 2023

# 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. (Election Code §9162, 9282<sup>(1)</sup>, 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. (Election Code §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. (Election Code §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. (Election Code §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 Guide 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. (Election Code §9166,9503)
- Arguments shall not exceed 300 words. (Election Code §9162, 9315, 9501)

## REBUTTAL ARGUMENTS:

- When the arguments in favor 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. (Election Code §9167)

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1 This code is referencing municipal elections. Please contact the city clerk's office for guidance on filing an argument for a city measure.

- 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 Election Code §9069, even though it pertains specifically to state measures.) A “Release of Signatures for Rebuttal Argument<sup>(1)</sup>” form should be filed with the rebuttal arguments.
- Rebuttal arguments must not exceed 250 words. (Election Code §9167, 9285<sup>(2)</sup>, 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. (Election Code §9160, 9500)
- **City Measure:** The City Attorney shall prepare an impartial analysis of a city measure. (Election Code §9280<sup>(3)</sup>)
- **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. (Election Code §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. (Election Code §9314)
- The impartial analysis must not exceed 500 words. (Election Code §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. (Election Code §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 Guide. (Election Code §9400, 9401)
- The law does not specify a word limit for such statements.

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1 See Page 11

2 This code is referencing municipal elections. Please contact the city clerk’s office for guidance on filing an argument for a city measure.

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# 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.

## **ASSIGNMENT OF LETTERS**

- Beginning of each year, all letters will be assigned in alphabetical order, starting with the letter “A” and continuing through the alphabet to the letter “Z”.
- 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 with unsatisfactory grades.
- 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 (§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<sup>(1)</sup> included in this guide and signed by each proponent and by each author, if different, of the argument. (Election Code §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.

## DEADLINES - ELECTION

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

- **Arguments:** Arguments are due by 5 p.m. on the 83rd day before the election. 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 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. If requested by the Board of Supervisors, the County Auditor may also submit an analysis.
- **Place to File:** Alameda County Registrar of Voters office  
1225 Fallon Street Room G-1  
Oakland, CA 94612
- **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. (Election Code §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. (Election Code §9190, 9295<sup>(2)</sup>, 9380, 9509)

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<sup>1</sup> See Page 11 for the Ballot Measure Argument Submission Form, Argument/Rebuttal Signatures Form, and the Release of Signatures for Rebuttal Arguments Form.

<sup>2</sup> This code is referencing municipal elections. Please contact the city clerk's office for deadlines on filing an argument for a city measure.

# HOW TO WRITE YOUR ARGUMENT OR REBUTTAL

- 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<sup>(1)</sup>. (Election Code §9600)
- No more than five signatures will appear with any argument. If more than five are submitted, the first five will be printed. (Election Code §9164)
- Arguments, rebuttal arguments, analyses and tax rate statement (if applicable), 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 (if applicable) 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.

## HOW TO SUBMIT AN ARGUMENT

- Hard copies of your argument is required. Arguments/Rebuttals must be filed by 5:00 PM on the published deadline.
- 'Ballot Measure Argument Submission Form,' and 'Argument/Rebuttal Signatures Form' with wet signatures are required.
- In addition to hard copies, we encourage submitting arguments via email ([candidate.services@acgov.org](mailto:candidate.services@acgov.org)) or on a USB drive, to ensure your text is printed exactly as submitted.
- Preferred word processor: Microsoft Word

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# WORD COUNT STANDARDS

Each word shall be counted as one word except as specified in Elections Code Section 9

TYPE OF WORD	HOW WORD IS COUNTED
Punctuation	not counted
Single Character (I, a, \$, &)	one
Dictionary Words (Merriam-Webster)	one
Abbreviation/Acronyms (E.B.R.P.D or EBRPD)	one
Proper nouns, geographical names of cities and counties	one
Names of areas, such as Bay Area, East Bay, South Bay, etc.	one
Names of school districts and special districts defined by political boundaries on a map	one
Telephone numbers, e-mails, and websites	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 one
Words hyphenated in any generally available dictionary	one
Hyphenated words not hyphenated in a dictionary	one for each part

# HOW MEASURE MAY APPEAR

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

## BERKELEY UNIFIED SCHOOL DISTRICT MEASURE H

<b>H</b> <b>BERKELEY PUBLIC SCHOOLS FACILITIES SAFETY AND MAINTENANCE ACT OF 2010</b> 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.

BSM#1-1

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		
<b>F</b> 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	←
	NO	←
SCHOOL		
<b>L</b> 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	←
	NO	←
CITY OF OAKLAND		
<b>V</b> 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	←
	NO	←
<b>W</b> 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	←
	NO	←





**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:**

<b>Argument/Rebuttal Signatures</b>			<b>Official Use Only: Date Stamp</b>			
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.						
<b>DECLARATION BY AUTHOR(S) OF ARGUMENTS OR REBUTTALS</b> (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"/> Rebuttal to Argument Against (250 words or less)						
<input type="checkbox"/> Argument Against Measure (300 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.						
1.	Print Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Residence Address:						
Signature:	Date:					
2.	Print Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Residence Address:						
Signature:	Date:					
3.	Print Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Residence Address:						
Signature:	Date:					
4.	Print Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Residence Address:						
Signature:	Date:					
5.	Print Name:	Title:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Residence Address:						
Signature:	Date:					

# 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: