



GUIDELINES FOR SUBMITTING ARGUMENTS AND REBUTTALS FOR COUNTY AND DISTRICT MEASURES

PROVIDED BY:

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This guide was developed in an effort to provide answers to questions frequently asked of the Tuolumne County Elections Office concerning submission of arguments and rebuttals for county and district measures. It is for general information only and does not have the force and effect of law, regulation or rule. In the 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.

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OVERVIEW..... All code sections refer to the California Elections Code unless otherwise stated.

ARGUMENTS FOR AND AGAINST:

Filers:

The board of supervisors or any member or members of the board 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 measure.

The governing board of the district or any member or members of the board 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 such voters and associations may file a written argument for or against any school measure.
(§9162, 9501)

Signers:

Arguments for or against a county, school or special district measure do not have to meet the criteria listed above. The filer of the argument must meet the criteria above; however, anyone may sign an argument.

9164. 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.

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

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.

No more than five signatures shall appear with any argument submitted under this article. If any argument is signed by more than five persons, the signatures of the first five shall be printed.

Selection of Argument to Appear in Sample Ballot Booklet:

9166. If more than one argument for or more than one argument against any county measure is submitted to the county elections official within the time prescribed, 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 county elections official shall give preference and priority in the order named to the arguments of the following:

- (a) The board of supervisors, or member or members of the board authorized by the board.
- (b) 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.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

OVERVIEW.....CONTINUED All code sections refer to the California Elections Code unless otherwise stated.

Selection of Argument to Appear in Sample Ballot Booklet (continued):

9503. If more than one argument for or more than one argument against any school measure is submitted to the person conducting the election within the time prescribed, the person conducting the election 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 arguments, the person conducting the election shall give preference and priority, in the order named, to the arguments of the following:

(a) The governing board of the district or member or members of the board authorized by the board.

(b) The individual voter, or bona fide associations of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters who are eligible to vote on the measure.

ARGUMENTS FOR AND AGAINST:

Format:

Arguments must be typed in a uniform style, in block paragraph form, double spaced. The argument must be accompanied by a signed statement (see Attachment A).

Length of Argument:

Arguments for or against must not exceed 300 words in length. §9162, 9315, 9501

REBUTTALS TO ARGUMENTS FOR AND AGAINST:

Format:

9167. (a) When an argument in favor and an argument against a measure have been selected for publication in the voter information pamphlet the official responsible for conducting the election shall send copies of the argument in favor of the measure to the authors of the argument against the measure and copies of the arguments against the measure to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal arguments shall be submitted to the elections official conducting the election no later than a date designated by the elections official.

Length of Argument

Rebuttals to arguments for or against must not exceed 250 words in length.

§9167, 9220, 9285, 9317, 9504

SIGNATURE STATEMENT

Each argument and rebuttal must be accompanied by a Statement of Accuracy (see Attachment A) included in this guide. §9600

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.

OVERVIEW.....CONTINUED

All code sections refer to the California Elections Code unless otherwise stated.

MEASURE LETTERS

Letters designating measures will be assigned by the Elections Official pursuant to §13116. 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.

For districts that overlap into other counties, the counties will mutually agree to use a letter designation for the measure that will not conflict or confuse the voter. The letter assigned to these measures may not be in alphabetical order.

Measures will appear on the ballot in the following order pursuant to §13109: College, Unified Schools, High Schools, Elementary Schools, County, Cities, Districts. In order to allow for the most efficient use of space, the County Elections Official may vary the order of the measures.

Changing or Withdrawal of an Argument

9316. Based on the time reasonably necessary to prepare and print the arguments and sample ballots, and to permit the 10-calendar-day public examination as provided in Article 4 (commencing with Section 9380) for the particular election, the district elections official charged with the duty of conducting the election shall fix and determine a reasonable date prior to the election for the submission to the district elections official of an argument in favor of and against the ordinance, and additional rebuttal arguments as provided in Section 9317. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the district elections official.

9601. Notwithstanding any other provisions of this code, whenever any ballot arguments for or against any measure submitted to the voters for approval are authorized, these arguments may be withdrawn by their proponents at any time prior to and including the final date fixed for filing arguments.

Challenge of Argument/Rebuttal Contents

9190. (a) The county elections official shall make a copy of the materials referred to in elections official in providing the copy.

(b) (1) During the 10-calendar-day public examination period provided by this section, any voter of the jurisdiction in which the election is being held, or the county elections official, himself or herself, may seek a writ of mandate or an injunction requiring any or all of the materials to be amended or deleted. The writ of mandate or injunction request shall be filed no later than the end of the 10-calendar-day public examination period.

(2) A peremptory 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 with this chapter, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law.

(3) The county elections official shall be named as respondent and the person or official who authored the material in question shall be named as real parties in interest. In the case of the county elections official bringing the mandamus or injunctive action, the board of supervisors of the county shall be named as the respondent and the person or official who authored the material in question shall be named as the real party in interest. Sections 9119, 9120, 9160, 9162, and 9167 available for public examination in the county elections official's office for a period of 10 calendar days immediately following the deadline for submission of those materials. Any person may obtain a copy of the materials from the county elections official for use outside of the county elections official's office. The county elections official may charge a fee to any person obtaining a copy of the material. The fee may not exceed the actual cost incurred by the county.

OVERVIEW.....CONTINUED

All code sections refer to the California Elections Code unless otherwise stated.

Information that must be Filed with your Argument:

All original arguments and/or rebuttals with original signatures must be filed at the Tuolumne County Elections Office by 5:00 p.m. on the applicable deadline. **For every argument that is filed**, a Statement of Accuracy must be submitted either printed or typed on the form provided (see Attachment A).

This information is not printed in the Sample Ballot Booklet. It is needed to verify eligibility and to send confirmation letters and rebuttal forms if an argument is chosen.

IMPORTANT DEADLINES FOR A MEASURE

All code sections refer to the California Elections Code unless otherwise stated.

Obtain a copy of the Calendar of Events pertaining to the election from the Tuolumne County Elections Office for filing deadlines relating to measures.

Arguments:

Arguments are due by 5 p.m. on the deadline date chosen by the Tuolumne County 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 p.m. deadline.

Rebuttals:

Rebuttals are due by 5 p.m. on a date designated by the Tuolumne County Elections Office. Rebuttals are available to the public after the 5 p.m. deadline.

Place to File:

Tuolumne County Elections Office, 2 South Green St., Sonora, CA 95370

Confidentiality:

Arguments and rebuttals shall remain confidential until 5 p.m. on the date they are due.

Withdrawal/Changes:

Arguments and rebuttals may be changed or withdrawn until and including the date fixed for final submission by the County Elections Official. §9163, 9316, 9601

Public Inspection:

During a 10-day period following the final deadline for filing documents, arguments and rebuttals are available for a 10-day public inspection period. A writ of mandate or injunction may be sought to require amendments or deletions. §9190, 9295, 9380, 9509

HOW TO WRITE YOUR ARGUMENT OR REBUTTAL.....

All code sections refer to the California Elections Code unless otherwise stated.

- Be accurate. Documents will be printed as submitted. Spelling, punctuation, and grammatical errors will not be corrected by the Elections Office staff.
- An argument or rebuttal 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 rebuttals must be accompanied by a Signature Statement §9600 (please see attachment A)
- 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 and rebuttals, including the names, and titles of signers, must be typed to ensure quality and accuracy.
- Do not use profanity or other objectionable language.
- Do not use unusual spacing, bold-face type, all capital letters, underlines, bullets, circles, stars or dots, italics, tables or lists, any other special punctuation signs.
- Although we prefer that arguments and/or rebuttals be submitted on our form, we will accept statements which are typewritten or computer generated and attached to our form, however, it is extremely important that all pertinent information be included.

SUBMITTING ARGUMENTS DIGITALLY

To help us cut costs and to ensure arguments are printed exactly as filed, we encourage you to submit arguments/analyses via email or USB.

- Microsoft Word format is preferred.
- Provide one hard copy of how you want the text to look in the Sample Ballot Booklet with original signatures.
- Input signatures as:
s/ First Name Last Name
Title

Unless, the person is signing on behalf of an association. Then, the Association name appears on the first line, following by the Name and title. Example:

Chamber of Commerce
s/ First Name Last Name, President

HOW TO COUNT WORDS.....

All code sections refer to the California Elections Code unless otherwise stated.

9. (a) 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 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, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - (6) 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.
 - (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 web site addresses shall be counted as one word.
- (b) This section shall not apply to counting words for ballot designations under Section 13107.

Tuolumne County Elections Office
Preferred Form for Local Ballot Arguments

- ☒ Argument in Favor
☐ Argument Against

- ☐ Rebuttal to Argument in Favor
☐ Rebuttal to Argument Against

Measure B will usher in a new era of prosperity to our County. Business, labor, minorities, Republicans, Democrats, and neighborhood groups all support Measure B, for our children, and for the future of the County of Tuolumne.

Measure B will cost no money!

An independent financial analysis done by one of the country's most respected accounting firms concluded that Measure B will not cost the taxpayers one cent and will result in substantial long-term savings.

Don't be fooled by self-governing extremists who oppose this reform measure; they all have something to gain from the defeat of Measure B.

Sample

Office
Use
Only

ATTACHMENT A

STATEMENT OF ACCURACY

ALL ARGUMENTS AND REBUTTALS TO ARGUMENTS SHALL BE
ACCOMPANIED BY THIS FORM SIGNED BY THE AUTHOR(S).

STATEMENT OF ACCURACY

The undersigned author(s) of the (select one of the following)

☐ **ARGUMENT IN FAVOR**
(300 WORDS)

☐ **REBUTTAL TO ARGUMENT IN FAVOR**
(250 WORDS)

☐ **ARGUMENT AGAINST**
(300 WORDS)

☐ **REBUTTAL TO ARGUMENT AGAINST**
(250 WORDS)

Ballot measure _____ at the _____ election for
Letter Name of Election

the _____ being held on _____, 20____
Jurisdiction Date of Election

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

1. _____ 2. _____
Signature and date Signature and date

Print/type name as you want it to appear on argument Print/type name as you want it to appear on argument

Title to appear below name on argument (optional - limited to 4 words) Title to appear below name on argument (optional - limited to 4 words)

3. _____ 4. _____
Signature and date Signature and date

Print/type name as you want it to appear on argument Print/type name as you want it to appear on argument

Title to appear below name on argument (optional - limited to 4 words) Title to appear below name on argument (optional - limited to 4 words)

5. _____ **FOR INFORMATION PLEASE CONTACT:**
Signature and date

Print/type name as you want it to appear on argument Name and phone number

Title to appear below name on argument (optional - limited to 4 words) Address

OPTIONAL TITLES SHOULD NOT EXCEED FOUR (4) WORDS, TITLES WHICH DO NOT FIT IN ALLOTTED SPACE WILL BE ABBREVIATED.

A ballot argument or rebuttal argument shall not be accepted unless accompanied by the name or names of the person (s) submitting it, or, if submitted 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. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the election official for filing. There is a 10-calendar day review period prior to submitting arguments for printing. Elections Code Sections 9164, 9190, 9380, 9501, 9600. Text of arguments/rebuttal arguments should either be typewritten and printed on Tuolumne County's Form, or a typewritten or computer-generated statement may be attached to this form. Statements are electronically scanned for typesetting, therefore handwritten arguments will not be accepted for filing.

FOR OFFICE USE ONLY - TUOLUMNE COUNTY ELECTIONS OFFICE
CONTEST ID# _____ MEASURE LETTER DESIGNATION: _____
ELECTION DATE: _____ JURISDICTION: _____

ATTACHMENT B

ARGUMENT FORM

ARGUMENTS SHOULD BE PRINTED ON OR ATTACHED TO THIS FORM. THE TUOLUMNE COUNTY ELECTIONS OFFICE PREFERS USE OF THIS FORM WITH ALL ARGUMENTS.

Tuolumne County Elections Office
Preferred Form for Local Ballot Arguments

- ☐ Argument in Favor
- ☐ Argument Against

- ☐ Rebuttal to Argument in Favor
- ☐ Rebuttal to Argument Against

Office
Use
Only

ATTACHMENT C

AUTHORIZATION FOR
ANOTHER PERSON OR
PERSONS TO SIGN
REBUTTAL ARGUMENT

AUTHORIZATION FOR ANOTHER PERSONS OR PERSONS TO SIGN REBUTTAL ARGUMENTS

I, _____ authorize the following person(s) to sign
(print name of FILER of the argument)

The rebuttal to the argument

☐ In Favor

☐ Against

Measure _____ for the _____ election to be held _____.
(Letter) (Election Type) (Date of Election)

(One or more people who signed the argument may be replaced with different people to sign the rebuttal)

1. _____ to sign instead of _____.
(print name of rebuttal signer) (print name of argument signer)

2. _____ to sign instead of _____.
(print name of rebuttal signer) (print name of argument signer)

3. _____ to sign instead of _____.
(print name of rebuttal signer) (print name of argument signer)

4. _____ to sign instead of _____.
(print name of rebuttal signer) (print name of argument signer)

5. _____ to sign instead of _____.
(print name of rebuttal signer) (print name of argument signer)

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