

2018

CITY OF EL CERRITO

GUIDE TO FILING
MEASURE ARGUMENTS

**WHAT YOU
NEED TO KNOW**



NOVEMBER 6, 2018 GENERAL ELECTION

CITY CLERK, 10890 San Pablo Avenue, CA 94530 | (510) 215-4305

cmorse@ci.el-cerrito.ca.us



DISCLAIMER

This informational guide was developed in an effort to provide answers to questions frequently asked concerning the filing of arguments and rebuttals for local measures. This document contains general information only and does not have the force and effect of law, regulations or rule. In case of conflict, the law, regulation or rule will apply. Persons using this guide accept responsibility for all legal standards and duties. For information on filing an argument on an El Cerrito ballot measure, please contact the City Clerk at 215-4305.

Table of Contents

VOTER INFORMATION GUIDE	1
ORDER OF APPEARANCE	2
Order of Measures in the Voter Information Guide	2
LETTER ASSIGNMENTS	3
Timeline for Assigning Measure Letters	3
Assignment of Letters	3
When a Jurisdiction Covers Two or More Counties.....	3
If a Measure is Withdrawn.....	3
WHO CAN SUBMIT AN ARGUMENT	3
What is a Bona Fide Association of Citizens?.....	4
If More Than One Argument In Favor or Against Is Filed	4
Rebuttal Arguments	5
ARGUMENT SUBMISSION DEADLINES AND INFORMATION	5
ARGUMENT & REBUTTAL GUIDELINES	6
ATTACHMENT A - NOVEMBER 6, 2018 MEASURE DATES.....	1
ATTACHMENT B - WORD COUNT GUIDELINES	1
ATTACHMENT C - PRIMARY ARGUMENT SAMPLES	1

PURPOSE OF THIS GUIDE

Local measures are published in the Voter Information Guide with an Impartial Analysis. Arguments In Favor and Against those Measures, along with any Rebuttals.

This booklet is intended to be a guide to political entities, interested organizations and individuals on how to participate in this process.

VOTER INFORMATION GUIDE

The following components comprise the information provided to voters in the Voter Information Guide.

Measure Wording

The measure wording is a **75** word ballot question that appears on the official ballot and in the Voter Information Guide. *EC 9051*

Impartial Analysis

The City Attorney prepares an Impartial Analysis of the City measure showing the effect the measure will have on existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City. The Impartial Analysis may be up to **500** words. *EC 9280*

Tax Rate Statement (not applicable this election)

A Tax Rate Statement is supplied for each bond measure which constitutes a lien on a property within the jurisdiction.

The Tax Rate Statement follows the Impartial Analysis in the Voter Information Guide. There is no word limit for Tax Rate Statements. *EC 9401, 9402*

Arguments In Favor or Against a Measure

Arguments In Favor or Against a measure are filed with the City Clerk, 10890 San Pablo Avenue, El Cerrito, 94530 no later than **4:00 p.m.** on **August 22, 2018**. The arguments may be up to **300** words. *EC 9282, EC 9286*

Rebuttal Arguments

A Rebuttal Argument is a statement which refutes an Argument In Favor or Against a measure. The Rebuttal Arguments must be filed with the City Clerk, 10890 San Pablo Avenue, El Cerrito, 94530, no later than **4:00 p.m. on August 27, 2018**. Rebuttal Arguments may be up to **250** words.

EC 9285

Full Text (optional)

The full text of the measure being voted upon, including the ordinance approved by the City Council, will be published in the Voter Information Guide to provide voters more information than the 75 word ballot measure question which appears on the Official Ballot. There is no word limit for the full text.

ORDER OF APPEARANCE

Arguments, Rebuttal Arguments and analyses are printed in the Voter Information Guide which is mailed to all registered voters in the City of El Cerrito who are eligible to vote for the particular measure.

The information will appear in the following order:

1. Measure Wording
2. Impartial Analysis
3. Tax Rate Statement (*if applicable*)
4. Argument In Favor
5. Argument Against
6. Rebuttal to Argument In Favor
7. Rebuttal to Argument Against
8. Full Text (*optional*)

Order of Measures in the Voter Information Guide

The order of precedence of state propositions and local measures on the ballot is:

1. State Initiatives, Amendments and Referenda
2. School Measures
3. County Initiatives and Referenda
4. City Initiatives and Referenda
5. Local District Measures

LETTER ASSIGNMENTS

Letters are assigned to local measures to identify them and to prevent voter confusion.

Timeline for Assigning Measure Letters

The Registrar of Voters assigns measure letters the Thursday (E-82) following the deadline to submit a measure. For this election, the letters will be assigned on August 16, 2018.

Assignment of Letters

- Letters are assigned based upon a random draw.
- No letters are excluded from the random draw.
- If during the year all letters have been used, lettering will continue with “AA”, “BB”, etc.
- Unused letters will not carry over to the next election. Each election will begin with a new randomized alphabet drawing.

When a Jurisdiction Covers Two or More Counties

When a jurisdiction covers two (2) or more counties, the Registrar of Voters in each county can mutually agree to use the same letter for the measure.

If a Measure is Withdrawn

A 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. 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 by other measures in that election. *EC 9604, 9605*

WHO CAN SUBMIT AN ARGUMENT

The governing board (i.e. City Council), any individual voter who is eligible to vote on the measure, a bona fide association of citizens, or any combination of these voters and associations may file a written Argument In Favor or Against any measure placed on the ballot by the governing body or by initiative. *EC 9282*

What is a Bona Fide Association of Citizens?

The Contra Costa County Elections Office states that a bona fide association of citizens as a recognized group of citizens bound together by a common interest or cause such as:

1. A group or organization primarily formed as a ballot measure committee to support or oppose a measure.
2. An organization that meets on a regular basis.

The individuals signing an argument on behalf of a bona fide association do not have to be registered voters in the jurisdiction.

In order to enable the City Clerk to determine whether a bona fide association of citizens meets this definition, when submitting an Argument, the bona fide association of citizens shall submit with the Argument a copy of one (1) 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. *EC9287*

If More Than One Argument In Favor or Against Is Filed

Only one (1) Argument In Favor and one (1) Argument Against any measure will be printed in the Voter Information Guide. If more than one (1) Argument In Favor or more than one (1) Argument Against any measure is filed, a single argument will be selected by the City Clerk.

In selecting a single argument, the City Clerk gives preference and priority to arguments in the order named:

1. The City Council, or member or members of the Council, authorized by the City 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 associations of citizens.
4. Individual voters who are eligible to vote on the measure.

If two (2) or more parties representing the same type of body/association submit competing arguments in favor or against the same measure, the City Clerk will make a subjective assessment of the arguments. Therefore, parties are encouraged to collaborate when submitting multiple arguments. *EC 9287*

Rebuttal Arguments

Arguments In Favor and Against the Measure are sent immediately after the submission deadline to those arguing the opposite position for the purpose of preparing a rebuttal statement. Rebuttal Arguments have a **250** word limit.

The author or a majority of the authors of an argument may prepare and submit a Rebuttal Argument or may authorize in writing another person or persons to prepare, submit, or sign the Rebuttal Argument. EC9285

ARGUMENT SUBMISSION DEADLINES AND INFORMATION

Place to File Arguments: Sherry M Kelly, Acting City Clerk
City Hall, Second Floor
10890 San Pablo Avenue
El Cerrito, CA 94530

Deadlines: Arguments, Rebuttals and associated paperwork must be filed with the City Clerk no later than:

Arguments Due by 4:00 p.m. on Wednesday, August 22, 2018
Rebuttals Due by 4:00 p.m. on Monday, August 27, 2018

Hardcopies of the Arguments and Rebuttals, with wet signatures must be filed in person with the City Clerk. This provides an opportunity for review of the word count, format and to address any issues related to signers and any additional required paperwork.

The argument language must also be e-mailed in an editable text file to cmorse@ci.el-cerrito.ca.us by the deadline.

Signatures: No more than five (5) persons may sign an Argument or Rebuttal Argument. The printed names and signatures must appear on the same page as the Argument or Rebuttal Argument. If the Argument is submitted on behalf of an organization the name of the organization and the printed name and signature of at least one (1) of its principal officers who is the author of the Argument must be included. EC9283

Confidentiality: Arguments, Rebuttals and analyses shall remain confidential until the close of business on the date they are due. At that time, the contents become public information.

Withdrawal/Changes: Arguments, Rebuttal Arguments and analyses may be changed or withdrawn until the final submission deadline. EC 9286

Public Review: Following the final deadline for filing documents, arguments and rebuttals are available at the City Clerk’s Office for a ten (10) day public review period.

There is no administrative challenge of arguments, rebuttals and analyses.

A Writ of Mandate or injunction challenging any or all of the materials may be sought from the Superior Court to require amendments or deletions. A Writ of Mandate or an injunction will be issued by the Superior Court upon clear and convincing proof that the material in question is false, misleading, or inconsistent. *EC 9295*

ARGUMENT & REBUTTAL GUIDELINES




- Arguments and Rebuttal Arguments must be labeled with the type of argument being submitted in the heading title. (ex. Argument in Favor of Measure ____) This is not part of the word count.
- The heading for all arguments is standardized. Subheadings and deviations from the standardized heading will not be accepted.
- Arguments and Rebuttal Arguments, including the names and titles of the signers, must be typed.
- Documents will be printed as submitted. Spelling, punctuation and grammatical errors will not be corrected by the City Clerk.
- An Argument or Rebuttal Argument must be written to address a single measure on the ballot. A document combining statements pertaining to more than one (1) measure will not be accepted.
- No more than five (5) signatures will appear with any argument. If more than five (5) are submitted, the first five (5) will be printed.
- All Arguments and Rebuttals must include an original wet signature of each signer. Signatures must appear on the same page as the argument. If not all signers are on the same page, separate copies of the Argument bearing a wet signature can be filed.
- No profanity or other objectionable language may be used.
- See Attachment C – Primary Argument Samples

ATTACHMENT A - NOVEMBER 6, 2018 MEASURE DATES

Filing Deadline	
July 17	City Council adopted the Resolution and Ordinance placing the Charter Measure on the November 6, 2018 ballot.
August 16	Local Measure Letter assigned
August 17	Deadline for Impartial Analysis
August 22	Deadline for Primary Arguments
August 27	Deadline for Rebuttal Arguments
September 27	Estimated Voter Information Guide Mailing

ATTACHMENT B - WORD COUNT GUIDELINES

The following are the guidelines for computing the word count for measures.

Abbreviations - UCLA, PTA	one word
Abbreviations - U.C.L.A. P.T.A.	four words three words
California Geographical names: Examples: County of Contra Costa, Contra Costa Community College District,  Antioch Unified School District, East Bay Regional Park District, Bay Area Rapid Transit District.	one word
Contra Costa County Fire Protection District 	one word
Bay Area 	one word
Whole Numbers - Digits (1 - 10 - 100, etc.)	one word
Number combinations (1990, 1990-1991, 100%)	one word
Dates - all digits (11/5/96) Word and digits (June 2, 1998)	one word two words
Monetary amounts: If the dollar sign is used with figures - \$1,000 Spelled out numbers - One Hundred, Ten Thousand are counted as separate words.	one word one for each word
Regularly 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.	one word
Normal punctuation	not counted
Telephone Numbers	one word
Website Addresses (i.e. www.com.etc) / email	one word

ATTACHMENT C - PRIMARY ARGUMENT SAMPLES

(Each Argument may have up to 5 Signers)

**PRIMARY ARGUMENT IN FAVOR
OF MEASURE _____**

**ARGUMENT
TEXT**

The undersigned Proponent(s) or Author(s) hereby state that such argument is true and correct to the best of their knowledge and belief.

Print Name _____	Print Name _____
Title _____	Title _____
Signature _____	Signature _____
Print Name _____	Print Name _____
Title _____	Title _____
Signature _____	Signature _____
Print Name _____	
Title _____	
Signature _____	

**PRIMARY ARGUMENT AGAINST
MEASURE _____**

**ARGUMENT
TEXT**

The undersigned Proponent(s) or Author(s) hereby state that such argument is true and correct to the best of their knowledge and belief.

Print Name _____

Title _____

Signature _____

Print Name _____

Title _____

Signature _____

Print Name _____

Title _____

Signature _____

Print Name _____

Title _____

Signature _____

Print Name _____

Title _____

Signature _____

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