

Arguments and Rebuttals for Local Measures 2021



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This reference guide has been prepared in an effort to answer frequently asked questions. 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. Refer to the code sections cited for more information.

This guide is distributed with the understanding that the Ventura County Elections Division is not rendering legal advice and that this guide is, therefore, not to be a substitute for private legal counsel.

Unless otherwise indicated, all code sections referenced are from the California Elections Code.

Introduction

Whenever any county, city, school, or special district measure qualifies for placement on the ballot, written arguments for and against the measure may be filed. This guide has been prepared to assist with the preparation and filing of arguments and rebuttals.

Arguments pertaining to county, school, or special district measures are filed with the County Elections Division. For information on a city measure, contact the City Clerk. For information on state propositions, contact the Elections Division of the Secretary of State's office.

For each local measure appearing on the ballot, some or all of the following documents may be published in the County Voter Information Guide, in this order:

- Impartial Analysis
- Fiscal Impact or Tax Rate Statement
- Argument in Favor
- Rebuttal to Argument in Favor
- Argument Against
- Rebuttal to Argument Against
- Full Text of the measure

Note: To facilitate preparation for printing, it is requested that electronic copies of documents be provided, preferably as a Word file. This may be brought in on CD or emailed to the Elections Division.

Arguments For and Against

When a measure is set to appear on the ballot at an upcoming election, the County Clerk will publish a notice in the newspaper describing the measure and the dates and location for filing arguments.

Who can file Arguments?

Arguments may be filed by any of the following:

- The Governing Board (i.e., Board of Supervisors, City Council, school board, or special district board) or any member or members of those legislative bodies authorized by the legislative body
- A bona fide association of citizens
- Any individual voter who is eligible to vote on the measure
- Any combination of bona fide associations and individual voters

(a) If more than one argument for or against a measure is submitted, the Elections Official will select one of the arguments in favor and one of the arguments against for printing in

the County Voter Information Guide pursuant to the following priority:¹

- (1) The Board of Supervisors, Governing Board, or a member or members of 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 associations of citizens.
- (4) Individual voters who are eligible to vote on the measure.

(b) To enable the Elections Official to determine a bona fide association of citizens, an organization or association submitting an argument for or against a county measure must submit with its argument a copy of one 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.

(c) In selecting an argument from among bona fide associations of citizens, the Elections Official shall not consider the type of documentation submitted pursuant to subdivision (b) or the form of the association.

What are the Deadlines?

Once a measure qualifies for the ballot, the Elections Division will provide the deadlines for arguments and rebuttals. The documents must be filed in person no later than 5:00 p.m. on the deadline date.

Format

Forms for arguments are available from the Elections Division. Samples are provided at the end of this guide (see [Sample Argument/Rebuttal Form](#)). Arguments may not exceed 300 words.² The exception is for a measure to reorganize a school or college district, in which case arguments may not exceed 500 words.

Arguments must be typed in block format, upper and lower-case letters. The recommended type size is 12 points. A maximum of ten words may be printed in all capital letters to show emphasis. Bold and underlined words, graphics, and characters such as arrows, stars, asterisks and other symbols are not permitted. Please exercise caution as spelling and grammar will not be proofed or changed.

¹ §§9166, 9287, 9503

² §§9162, 9282, 9315, 9501

Arguments should adhere to the following guidelines:

- Be accurate. Documents will be printed as submitted. Spelling, punctuation, and grammatical errors will not be corrected by the Elections Division.
- An argument, rebuttal, or tax rate statement 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.
- Arguments, rebuttals, 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 (e.g. “Argument in Favor of Measure__”). Subheadings and deviations from the standardized heading will not be accepted.
- Arguments must be typed, upper and lower case, and in block format with spacing between paragraphs (no indents or centering).
- Do not use any characters, unusual spacing, bolding, underscoring, bullets, circles, stars, dots, italics, tables, lists, signs, symbols, or any other unusual punctuation.

Signature Statement

Arguments must be accompanied by the “Declaration by Author(s) of Argument or Rebuttal” (see [Sample Declaration by Authors](#) included in this guidebook).¹ The declaration includes the printed name(s) and signature(s) of the author(s), or, if filed 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 for or against a measure.²

There is a distinction between a “filer” and a “signer” or “author.” The filer of an 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 organization accompanied by a signature of a principal officer. Filers do not have to be signers.

Can an Argument be Withdrawn?

Arguments and rebuttals may be withdrawn up to and including the date fixed for final submission to the Ventura County Elections Division. Authors may withdraw and resubmit arguments and rebuttals up to the final filing date.³

¹ §9600

² §9164

³ §§9163, 9286, 9316, 9502,

9601

Public Review

Arguments and rebuttals remain confidential until the close of the filing period. Following the filing deadline for each document, arguments and rebuttals are available for a ten-calendar day public inspection period. During this time, a Writ of Mandate or injunction may be sought to require amendments or deletions.¹

Rebuttal Arguments

When both an Argument in Favor *and* an Argument Against have been filed, rebuttals to the arguments may be submitted. The County Elections Official will send a copy of the argument in favor to the author(s) of the argument against and a copy of the argument against to the author(s) of the argument in favor after the close of the filing period. The authors may then prepare and submit rebuttal arguments. Not all measures appearing on the ballot will allow for rebuttals. Whether or not they do will be noted in the resolution calling the election.

Who can file Rebuttals?

A rebuttal may only be submitted by the author(s) of the original ballot argument, unless an author authorizes another person to sign the rebuttal. A [Sample Authorization for Signers of Rebuttal Arguments](#) is included at the end of this guide.

What are the Deadlines?

Rebuttals must be filed in person and are due within ten days after the deadline to submit arguments.²

Format

Rebuttals may not exceed 250 words. Formatting guidelines are the same as those for arguments for and against.

Other Documents

Some or all of the following may be printed along with the Arguments in the County Voter Information Guide.

¹ §§9190, 9295, 9380, 9509

² §9285

Impartial Analysis

County or School Measure: The County Counsel is required to prepare an Impartial Analysis of a county or school measure.¹

City Measure: The City Attorney shall prepare an Impartial Analysis of a city measure.²

Special District: For special district measures, the County Counsel of the county with the largest number of registered voters shall prepare an Impartial Analysis.³

Water District: For water district measures, the legal counsel for the district, or if there is no counsel, the County Counsel of the county with the largest number of registered voters of the water district shall prepare an Impartial Analysis. If there is a legal counsel for the water district, the Impartial Analysis shall be subject to review and revision by the County Counsel.⁴

The Impartial Analysis may not exceed 500 words.⁵

Fiscal Analysis

The Board of Supervisors may request the County Auditor-Controller, not 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.⁶

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 for which constitutes a lien on the property for ad valorem taxes within the jurisdiction shall mail a tax rate statement with the County Voter Information Guide.

The statement shall be filed with the County Elections Official not later than the 88th day prior to the election. The law does not specify a word limit for tax rate statements.⁷

¹ §§9160, 9500

² §9280

³ §9313

⁴ §9314

⁵ §§9160, 9280, 9313, 9314,
9500

⁶ §9160

⁷ §§9400, 9401

Full Text

Cities, counties, and districts often publish the full text of ordinances to be voted on in the County Voter Information Guide. It is requested that the full text be filed electronically in order to maintain the integrity of the submitted document.

If the full text of a county or city measure is not printed on the ballot, nor in the voter information portion of the County Voter Information Guide, there shall be printed immediately below the Impartial Analysis, in no less than 10-point boldface type:¹

“The above statement is an impartial analysis of Measure _____. If you desire a copy of the ordinance or measure, please call the elections official at (xxx) xxx-xxxx and a copy will be mailed at no cost to you.”

Raising and Spending Money

Initiative proponents, as well as those who organize to support or oppose an initiative effort, may have disclosure requirements in accordance with the State Political Reform Act and local ordinances.

Before raising or spending any money, all parties involved with an initiative effort should review the FPPC’s [Campaign Disclosure Manual 3 – Ballot Measure Committees](#) for information on campaign finance disclosure requirements.

¹ §§9160, 9280

Manuals, forms, and filing deadlines are available from either of the following:

Fair Political Practices Commission (FPPC)

1102 Q Street, Suite 3000

Sacramento, CA 95811

Phone: (916) 322-5660

Fax: (916) 322-0886

Website: fppc.ca.gov

Ventura County Elections Division

800 South Victoria Avenue

Ventura, CA 93009-1200

Phone: (805) 654-2664

Fax: (805) 648-9200

Website: venturavote.org

Sample Argument/Rebuttal Form



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ARGUMENT / REBUTTAL FORM

Election Date _____ Measure _____

Jurisdiction _____

Check One: Argument in Favor (300 words) Rebuttal to Argument in Favor (250 words)
 Argument Against (300 words) Rebuttal to Argument Against (250 words)

Statement Must Be Typed • All Authors Must Sign Declaration Form

Sample Declaration by Authors

DECLARATION BY AUTHOR(S) OF ARGUMENT OR REBUTTAL (Elections Code Section 9600)

All arguments concerning measures filed pursuant to Division 9 of the Elections Code shall be accompanied by the following declaration to be signed by each author of the argument/rebuttal. Names and titles listed will be printed in the County Voter Information Guide in the order provided below.

The undersigned author(s) of the (select one): Argument in Favor of Rebuttal to Argument in Favor of
 Argument Against Rebuttal to Argument Against

ballot measure _____ at the _____ election for the
(name and/or letter) (title of election)

_____ to be held on _____ hereby state
(jurisdiction) (date of election)

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

If argument is filed by the governing body of a district, fill in the name of the district governing body on the line below. The governing body members sign as authors of the argument and must complete both sides of this form.

_____ Name of District Governing Body

If argument is filed by a bona fide association of citizens, fill in the name of the association below. The association members sign as authors of the argument and must complete both sides of this form.

_____ Name of Association

| | | |
|----|---|---|
| 1. | _____ <small style="text-align: center;">Printed Name</small> | _____ <small style="text-align: center;">Signature</small> |
| | _____ <small style="text-align: center;">Title to Appear on Argument</small> | _____ <small style="text-align: center;">Date</small> |
| 2. | _____ <small style="text-align: center;">Printed Name</small> | _____ <small style="text-align: center;">Signature</small> |
| | _____ <small style="text-align: center;">Title to Appear on Argument</small> | _____ <small style="text-align: center;">Date</small> |
| 3. | _____ <small style="text-align: center;">Printed Name</small> | _____ <small style="text-align: center;">Signature</small> |
| | _____ <small style="text-align: center;">Title to Appear on Argument</small> | _____ <small style="text-align: center;">Date</small> |
| 4. | _____ <small style="text-align: center;">Printed Name</small> | _____ <small style="text-align: center;">Signature</small> |
| | _____ <small style="text-align: center;">Title to Appear on Argument</small> | _____ <small style="text-align: center;">Date</small> |
| 5. | _____ <small style="text-align: center;">Printed Name</small> | _____ <small style="text-align: center;">Signature</small> |
| | _____ <small style="text-align: center;">Title to Appear on Argument</small> | _____ <small style="text-align: center;">Date</small> |

Contact Person: _____ Phone: _____ Fax: _____
 Mailing Address: _____ E-Mail: _____

DECLARATION BY AUTHOR(S) OF ARGUMENT OR REBUTTAL

This page must be completed for arguments or rebuttals filed by a district governing body or by a bona fide association of citizens.

ARGUMENT/REBUTTAL FILED BY (select one of the following):

Governing Body

Name of Governing Body/District: _____
Contact Person's Printed Name: _____
Contact Person's Signature: _____
Title: _____
Phone: _____ Fax: _____ E-Mail: _____

Bona Fide Association of Citizens (complete A or B below):

A. Group or organization has not been formed to support or oppose the measure

Name of Association: _____
Principal Officer's Printed Name: _____
Principal Officer's Signature: _____
Title: _____
Phone: _____ Fax: _____ E-Mail: _____

Other information that would support the claim that the group or organization is a Bona Fide Association, rather than a group of individuals who support or oppose the measure:

B. Group or organization has been formed to support or oppose the measure

Name of Association: _____
Principal Officer's Printed Name: _____
Principal Officer's Signature: _____
Title: _____
Phone: _____ Fax: _____ E-Mail: _____

FPPC Form 410 Statement of Organization - establishing the group or organization as a Primarily Formed Ballot Measure Committee to support or oppose Measure _____ was filed on _____
Committee I.D. # _____

(Form 410 must be filed within 10 days of the date the committee receives \$2,000.00 in contributions.)

Sample Authorization for Signers of Rebuttal Arguments



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Authorization for Signers of Rebuttal Arguments

The undersigned signer(s) of the Argument In Favor of Against

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

authorize(s) the following individual(s) to sign the Rebuttal Argument in his/her/their place:

1. _____ to sign instead of _____
(Print Name of Rebuttal Signer) (Signature of Argument Signer) (Date)

2. _____ to sign instead of _____
(Print Name of Rebuttal Signer) (Signature of Argument Signer) (Date)

3. _____ to sign instead of _____
(Print Name of Rebuttal Signer) (Signature of Argument Signer) (Date)

4. _____ to sign instead of _____
(Print Name of Rebuttal Signer) (Signature of Argument Signer) (Date)

5. _____ to sign instead of _____
(Print Name of Rebuttal Signer) (Signature of Argument Signer) (Date)

Word Count

The following are the guidelines for computing the word count¹:

- 1) The title and signatures are not counted - only the text is counted.
- 2) Punctuation not counted
- 3) Dictionary words..... one
Examples: “I”, “a”, “the”, “and”, “an” – 1 word
- 4) Abbreviations one
Examples: UCLA, PTA, U.S.M.C., and L.A.P.D.
Each abbreviation for a word, phrase, or expression
All acronyms count towards the all CAPS 10 word limit
- 5) All proper nouns one
Examples: County of Ventura – 1 word
Ventura Unified School District – 1 word
- 6) Numbers:
Digits (1, 10 or 100, etc.) one
Spelled out (one, ten or one hundred) one per word
- 7) Numeric combinations (2013, 13½, 2013-14, 5%)..... one
- 8) Dates:
All digits (4/8/17) one
Words and digits (April 8, 2017) one
- 9) Monetary amounts (if the dollar sign is used with figures – \$1,000.00) one
(spelled out – one thousand dollars) one per word
- 10) Hyphenated words one per word
Words appearing hyphenated in a standard dictionary published within the
last 10 years..... one
- 11) Website address and telephone numbers one
- 12) If measure designation (example: Measure A) is used in the text one
- 13) Limit of 10 all CAP words.

If text exceeds the word limit, the author will be asked to delete or change a sufficient number of words, or a sentence, to ensure compliance with the required word limit.

¹ §9