
GUIDE TO FILING WRITTEN ARGUMENTS FOR AND AGAINST BALLOT MEASURES IN CITY OF LIVERMORE MUNICIPAL ELECTIONS

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SECTION 1: SUMMARY

The City Clerk's Office is open Monday-Friday, 8:00 am – 5:00 pm (except holidays). Contact us by phone at (925) 960-4200 or by email at cityclerk@livermoreca.gov.

When submitting ballot measure arguments, deliver the hard copy to the City Clerk's Office at 1052 S. Livermore Avenue, Livermore, CA 94550; and electronically in MS Word format by email to cityclerk@livermoreca.gov. The electronic copy is a requirement of the Alameda County Registrar of Voter's Office.

The California Elections Code regulates the preparation and submittal of arguments and rebuttals for and against ballot measures. The summary information provided here is not a replacement for the Elections Code. In general, the Code provides the following:

1. One argument for and one argument against each measure shall be printed in the ballot pamphlet which is mailed to voters.
2. For measures placed on the ballot by an initiative petition, persons filing the petition may file a written argument in favor, and the City Council may submit an argument against the measure.
3. For measures placed on the ballot by the City Council, the City Council, or a member or members of the City Council authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure.
4. Primary arguments shall not exceed 300 words in length as defined in Elections Code § 9.
5. Arguments shall be titled either "Argument in Favor of Measure ____" or "Argument Against Measure ____." The ballot measure letter is assigned by the Registrar of Voters after all ballot measures have been submitted.

6. Ballot arguments will not be accepted unless accompanied by the printed name and signature of the author or authors 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 who is the author of the argument.
7. No more than five (5) signatures shall appear under each argument.
8. All arguments shall be accompanied by a statement signed by each proponent and by each author, if different, of the argument, stating that the argument is true and correct to the best of his, her, or their belief.
9. If more than one argument is submitted for or against a measure, the City Clerk shall select one of each to be printed in the sample ballot. The order of priority for selecting the arguments shall be as follows:
 - a. The legislative body (the City Council), or member or members of the legislative body authorized by that body.
 - 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.
 - e. In order to enable the City Clerk to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a city measure shall 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) Committee statement of organization filed pursuant to Section 84101 of the Government Code.
10. Arguments may be changed or withdrawn by their authors until 5:00 pm on the date of the submittal deadlines.
11. Arguments remain confidential until the close of the submission deadlines.
12. Arguments shall be available to the public for a 10-calendar-day examination period after the submittal deadline.
13. Upon the close of the period for filing arguments, the City Clerk shall send a copy of the argument in favor of the measure to the persons filing the argument

against the measure, and a copy of the argument against the measure to the persons filing the argument in favor of the measure.

14. The author, or a majority of authors of an argument prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.
15. Rebuttal arguments shall not exceed 250 words in length as defined in Elections Code § 9.
16. Rebuttals shall be available for public review for a 10-calendar-day examination period following the submittal deadline.

SECTION 2: ELECTIONS CODE EXCERPTS

EC § 9281. Methods for submitting arguments.

If no other method is provided by general law, or, in the case of a chartered city, by the charter or by city ordinance, arguments for and against any city measure may be submitted to the qualified voters of the city pursuant to this article. If a method is otherwise provided by general law, or, in the case of a chartered city, by charter or city ordinance, for submitting arguments as to a particular kind of city measure, that method shall control. (*Enacted by Stats. 1994, Ch. 920, Sec. 2.*)

EC § 9282. Written arguments.

(a) For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.

(b) For measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure.

(c) An argument shall not exceed 300 words in length.

(d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments:

“Arguments in support or opposition of the proposed laws are the opinions of the authors.”

(e) The city elections official shall enclose a printed copy of both arguments with each voter information guide, but only those arguments filed pursuant to this section shall be printed and enclosed with the voter information guide. The printed arguments are “official matter” within the meaning of Section 13303.

(f) Printed arguments submitted to voters in accordance with this section shall be titled either “Argument In Favor Of Measure ____” or “Argument Against Measure ____,” accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word “Proposition” may be substituted for the word “Measure” in these titles. (*Amended by Stats. 2016, Ch. 422, Sec. 46. (AB 2911) Effective January 1, 2017.*)

EC § 9283. Printed name and signature required for argument acceptance.

A ballot argument may not be accepted under this article unless accompanied by the printed name and signature or printed names and signatures of the author or authors 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 who is the author of the argument.

No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five authors, the signatures of the first five shall be printed. (*Amended by Stats. 2004, Ch. 785, Sec. 2. Effective January 1, 2005.*)

EC § 9285. Rebuttal arguments.

(a) (1) When an argument in favor and an argument against a measure have been selected to be printed in the voter information guide, the elections official shall send a copy of the argument in favor of the measure to the authors of the argument against the measure and a copy of an argument against the measure to the authors of the argument in favor of the measure.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument.

(3) A rebuttal argument shall not exceed 250 words.

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure shall not be signed by more than five persons, shall be printed in the same manner as a direct argument, and shall immediately follow the direct argument which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision. (*Amended by Stats. 2016, Ch. 422, Sec. 47. (AB 2911) Effective January 1, 2017.*)

EC § 9287. City elections official to select if more than one argument.

(a) If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she 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 city elections official shall give preference and priority, in the order named, to the arguments of the following:

(1) The legislative body, or member or members of the legislative body authorized by that body.

(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) In order to enable the city elections official to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against a city measure shall 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 city elections official shall not consider the type of documentation submitted pursuant to subdivision (b) or the form of the association. *(Amended by Stats. 2018, Ch. 92, Sec. 63. (SB 1289) Effective January 1, 2019.)*

EC § 9600. Form of statement to accompany arguments.

All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the

_____ (primary/rebuttal) _____ argument _____ (in favor of/against) _____ ballot proposition _____ (name or number) _____ at the _____ (title of election) _____ election for the _____ (jurisdiction) _____ to be held on _____ (date) _____ hereby state that this argument is true and correct to the best of _____ (his/her/their) knowledge and belief.

Signed _____ Date _____

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

EC § 9601. Arguments may be withdrawn; deadline.

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. *(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

SECTION 3: WORD COUNT STANDARDS

EC § 9. Counting of words.

(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 proper nouns, including 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 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. *(Amended by Stats. 2014, Ch. 697, Sec. 3. (SB 1253) Effective January 1, 2015.)*

SECTION 4: SUBMITTAL FORMS

(See following pages)

**STATEMENT ACCOMPANYING
BALLOT MEASURE ARGUMENTS**

Elections Code § 9600:

All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the

- ☐ primary argument
- ☐ rebuttal argument

- ☐ in favor of
- ☐ in opposition to

ballot measure _____
(name or number)

at the general municipal election for the City of Livermore to be held on November 8,

2022 hereby state that this argument is true and correct to the best of _____
(his/her/their)

knowledge and belief.

Signed: _____ Date: _____

Printed Name: _____

Signed: _____ Date: _____

Printed Name: _____

Signed: _____ Date: _____

Printed Name: _____

Signed: _____ Date: _____

Printed Name: _____

Signed: _____ Date: _____

Printed Name: _____

**RELEASE FOR REBUTTAL ARGUMENT – TO BE COMPLETED ONLY IF
REBUTTAL WILL BE SIGNED BY DIFFERENT AUTHORS**

Elections Code § 9285.(2):

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing another person or persons to prepare, submit, or sign the rebuttal argument.

The undersigned proponent(s) or author(s) of the

- ☐ primary argument in favor of
☐ rebuttal argument against

ballot measure _____
(name or number)

at the general municipal election for the City of Livermore to be held on November 8,
2022, hereby authorize the following individuals to prepare, submit, or sign the rebuttal
argument in their place (please print):

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | |

Signed: _____ Date: _____

Printed Name: _____

Signed: _____ Date: _____

Printed Name: _____

Signed: _____ Date: _____

Printed Name: _____

Signed: _____ Date: _____

Printed Name: _____

Signed: _____ Date: _____

Printed Name: _____