

CITY OF PINOLE

2018 GUIDE TO FILING MEASURE ARGUMENTS



November 6, 2018
General Election

Contact Information:

City of Pinole City Clerk's Office
Attn: Rosa G. Acosta, City Clerk
2131 Pear Street
Pinole, CA 94564

Phone: (510) 724-8928
Fax: (510) 724-9826
Email: racosta@ci.pinole.ca.us

Pinole City Hall Hours of Operation

Monday through Thursday (closed Friday)
8:00 a.m. – 4:30 p.m.
Closed between 12:00 p.m. to 1:00 p.m.

DISCLAIMER

This informational guide was developed in an effort to provide answers to questions frequently asked concerning the processing of a local measure once it is filed with this office. This document contains general information only and does not have the force or 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 city measures, please contact the local City Clerk as guidelines may vary.

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PURPOSE OF THIS GUIDE

Local Measures are published in the Voter Information Guide with an Impartial Analysis. Arguments In Favor and Against those Measures, rebuttals, as well as the full text may also be published.

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

WHAT IS PUBLISHED IN THE 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.

Election Code 9051

Impartial Analysis

The County Counsel prepares an Impartial Analysis of a county or school measure showing the effect of the measure on the existing law and the operation of the measure. The City Attorney prepares an Impartial Analysis of a city measure.

The Impartial Analysis may be up to 500 words.

Election Code 9160, 9280, 9313, 9314, 9500

Tax Rate Statement (if applicable)

A Tax Rate Statement is supplied for each bond measure which creates a lien on a property within the jurisdiction. The Tax Rate Statement is prepared by the jurisdiction proposing the measure.

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

Election Code 9401, 9402

Fiscal Analysis (if applicable)

The County Auditor-Controller may be requested to prepare a Fiscal Analysis by the Board of Supervisors or City Council.

The Fiscal Analysis Statement may be up to 500 words.

Election Code 9160

Arguments In Favor or Against a Measure

For all city measures, arguments are filed in the appropriate City Clerk's office. The City of Pinole establishes the deadlines for the arguments for City measures.

Each Argument may be up to 300 words.

Election Code 9162, 9315

Rebuttal Argument

A Rebuttal Argument is a statement which refutes an Argument In Favor or Argument Against a Measure.

Each Rebuttal Argument may be up to 250 words.

Election Code 9167, 9317

Full Text (optional)

The full text of the measure being voted upon may be published, at the discretion of the governing body, to provide voters information in addition to the 75-word measure which appears on the Official Ballot. The full text is usually a resolution or ordinance that offers additional information regarding the measure. The full text, when included, appears last in the Voter Information Guide. There is no word limit for the full text.

In lieu of publication, the full text of the measure may be made available for review at the City Clerk's office, and on the City's website at <http://www.ci.pinole.ca.us/index.html>

ORDER OF APPEARANCE

Arguments, Rebuttal Arguments and analyses are printed in the Voter Information Guide and mailed to all registered voters in the jurisdiction who are eligible to vote for the particular measure.

Election Code 13109

The information appears in the following order:

1. Measure Wording
2. Impartial Analysis
3. Fiscal Analysis or 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)

LETTER ASSIGNMENTS

Each measure is assigned a letter for identification purposes.

Timeline for Assigning Measure Letters

The Registrar of Voters assigns measure letters **Thursday, August 16, 2018** (E-82) following the deadline to submit a measure **Thursday, August 9, 2018** (E-88).

Assignment of Letters

1. Letters are assigned based upon a random draw.
2. No letters are excluded from the random draw.
3. If, during the election, all letters have been used, lettering will continue with “AA”, “BB”, etc.
4. 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 or more counties, the Registrar of Voters in each county may mutually agree to use the same letter for the measure.

Withdrawal of a Measure

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.

Election Code 9604, 9605

WHO CAN SUBMIT AN ARGUMENT

The governing board (Board of Supervisors, School Board or Special District Board), 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 Argument Against any county, school, or district measure placed on the ballot by the governing body or by initiative.

Election Code 9120, 9162, 9282, 9501

What is a Bona Fide Association of Citizens?

A bona fide association of citizens is 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.

If More Than One Argument In Favor or Argument Against Is Filed

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

In selecting a single argument, the City Clerk gives preference and priority to arguments submitted by:

1. Members of the governing board
2. 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 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. The assessment may include consideration of grammar, spelling, coherence, tone and the comprehensiveness of the argument.

Parties are encouraged to collaborate when multiple arguments are submitted.

Election Code 9166, 9503

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 must be signed by the same authors of the original arguments unless the original signers of the arguments authorize, in writing, others to sign the Rebuttal Arguments. A "Release for Rebuttal Argument" should be filed with the Rebuttal Arguments.

Rebuttal Arguments have a 250 word limit.

Election Code 9069, 9167, 9285, 9317, 9504

ARGUMENT SUBMISSION GUIDELINES

Submit Arguments to:

City of Pinole
City Clerk's Office
2131 Pear Street
Pinole, CA 94564

Submissions must include:

Hardcopies of the Argument with wet signatures must be filed in person or by mail by the deadline to the City Clerk's office at 2131 Pear Street, Pinole, CA 94564.

A faxed or electronic PDF of the Argument document including signatures must be submitted by 4:30 p.m. on deadline day to be accepted as filed. Fax: (510) 724-9826 email: racosta@ci.pinole.ca.us

The argument will be formatted for the Voter Information Guide to appear as closely as possible to the hardcopy submitted.

Confidentiality:

Arguments, rebuttals and analyses shall remain confidential until 5 p.m. on the date they are due. At that time, the contents become public information.

Withdrawal/Changes: Arguments, rebuttals and analyses may be changed or withdrawn up until the submission deadline.

Election Code 9163, 9316, 9317, 9601

Public Review: Arguments and Rebuttal Arguments are available at the City Clerk's office for a 10-day public review period.

Any challenges must be provided through 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.

Election Code 9190, 9295, 9380, 9509

ARGUMENT & REBUTTAL FORMAT

1. Submissions will be labeled with the type of argument being submitted in the heading title (ex. Argument in Favor of Measure A). **This is not part of the word count.**
2. Documents will be printed as submitted. Spelling, punctuation and grammatical errors will not be corrected by the Elections Office.
3. An argument or rebuttal argument must be written to address only one measure. A document combining statements pertaining to more than one measure will not be accepted.
4. No more than five signatures will appear with any argument. If more than five are submitted, only the first five will be printed.
5. Arguments and rebuttal arguments, including the names and titles of the signers, must be typed.
6. The heading for all arguments is standardized. Subheadings and deviations from the standardized heading will not be accepted.
7. No profanity or other objectionable language may appear in an argument.

Election Code 9164, 9501

SUBMITTING ARGUMENTS

In addition to filing a hardcopy, an editable text format of the argument must be emailed to the following email address: racosta@ci.pinole.ca.us

The argument will be formatted for the Sample Ballot Pamphlet to appear as closely as possible to the hardcopy submitted.

ATTACHMENT A - 2018 MEASURE KEY DATES

CITY OF PINOLE

November 6, 2018 General Election

| Date | Description of Event | Reference |
|---|---|---------------------------------------|
| Council Resolution Adopted: June 19 (Tuesday) | Resolution adopted to conduct General Municipal Election and place measure on ballot; calling and giving notice of election; requesting consolidation with County and services of ROV; approving 75-word ballot language; determining participation in written arguments; directing City Attorney's impartial analysis (500 word limit), describing type of tax and the tax rate and the method of collection | EC 10403 EC 9222 |
| July 3, 2018 (Tuesday) | City Attorney to prepare impartial analysis (500 word limit) | EC 9280 |
| August 9 (Thursday) | Last Day to Place a Measure on the Ballot | EC 9605 |
| August 16 (Thursday) | Deadline for Impartial Analysis | EC 9285 |
| August 22 (Wednesday) | Last day to file <u>primary arguments</u> for or against measure; 300 word limit. If more than 1 Argument is received on a side, the Election Official shall select one Argument pursuant to EC 9287. | EC 9286 ¹ |
| August 23 (Thursday) | As City has adopted provisions for rebuttal arguments and if both an "argument in favor" and "argument against" were filed, the City Election Official shall transmit a copy of the arguments to each side, along with a copy of the formatting rules for filing a rebuttal argument | EC 9285 |
| August 27 (Monday) | Last day to file <u>rebuttal arguments</u> if both an argument for and against were filed (250 word limit) | EC 9285 |
| Aug 13 –23 (Mon-Thursday) | 10-Calendar-Day Examination Period for Measure Materials | 9295 |
| August 9² (Thursday) | Last day to file with County Board of Supervisors a Council resolution requesting consolidation Last day to publish "Notice of Measure" to be voted on | EC 10400 EC 10402 EC 10403 |
| August 15 (Wednesday) | Last day to withdraw measure from ballot | EC 9605 |
| August 16 (Thursday) | County Elections Official to Assign local measure letters (County policy specifies the 82 th day prior to Election) | EC 13109 EC 13116 County policy |

¹ The requirement that the period for submitting arguments for inclusion with the sample ballot materials must be 14 days from the calling of the election is not applicable when the election is consolidated with another election.

² Technically, the last day to file with the County Board of Supervisors a Council resolution requesting consolidation and publishing a "Notice of Measure" to be voted on is Friday, August 10, 2018. However, the City of Pinole is "dark" on Fridays so the last day is Thursday, August 9, 2018.

ATTACHMENT B - WORD COUNT GUIDELINES

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

| | |
|--|---|
| Acronyms - UCLA, PTA | one word |
| <p>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. →</p> <p>Walnut Creek, Bay Point →</p> <p>Bay Area →</p> | <p>one word</p> <p>one word</p> <p>one word</p> |
| <p>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</p> | one word |
| Walnut Creek, Bay Point | 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 one word |
| <p>Monetary amounts - If the dollar sign is used with figures - \$1,000 Spelled out numbers - One Hundred, Ten Thousand</p> | one word each word is counted |
| Regularly hyphenated words that appear in the Merriam-Webster Dictionary online. | one word |
| Normal punctuation | not counted |
| Telephone numbers | one word |
| Website addresses / 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 _____ | Print Name _____ |
| Title _____ | Title _____ |
| Signature _____ | Signature _____ |
| | |
| Print Name _____ | Print Name _____ |
| Title _____ | Title _____ |
| Signature _____ | Signature _____ |
| | |
| Print Name _____ | |
| Title _____ | |
| Signature _____ | |