FORMS AND INSTRUCTIONS FOR
PERSONS WISHING TO SUBMIT BALLOT ARGUMENTS
AND/OR REBUTTAL ARGUMENTS FOR MEASURES
ON THE NOVEMBER 8, 2016 GENERAL MUNICIPAL BALLOT

DEADLINE FOR FILING ARGUMENTS: 12:00 P.M., Friday, August 19, 2016

DEADLINE FOR FILING REBUTTALS: 12:00 P.M., Friday, August 26, 2016

Primary Arguments for or against ballot measures shall not exceed 300 words in length. Rebuttal Arguments for or against ballot measures shall not exceed 250 words in length. *(EC 9282, 9285)*

If more than one argument is submitted on a measure, the City Clerk shall select the argument and shall give preference, in the order named, to arguments of the following: *(EC 9287)*

a) The legislative body, 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 bona fide sponsors or proponents of the measure.

c) Bona fide associations of citizens.

d) Individual voters eligible to vote on the measure.

Please review the attached procedure for selecting arguments to be printed if more than one argument from the same level of standing is submitted.

Each ballot argument must be accompanied by the printed name(s) and signature(s) 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.** *(EC 9283)*

No more than five signatures shall appear with any argument. In case any argument is signed by more than five persons, the signatures of the first five shall be printed*. (EC 9283)*

The City Clerk, upon receipt of arguments and after the filing deadline, will immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period shown above. **At least one of the signatories of the primary argument must sign the rebuttal.** *(EC 9285)*

Arguments may be changed or withdrawn up to 12:00 p.m., August 19, 2016. Rebuttal arguments may be changed or withdrawn up to 12:00 p.m., August 26, 2016.

Proponents are urged to submit their arguments prior to the deadline to ensure an opportunity for the Clerk to review and for authors to have an opportunity to make any necessary changes. Arguments received prior to the deadline are **confidential** until the deadline. *(EC 9286)*

Please note, <u>only</u> those person(s) whose argument has been selected by the City Clerk in accordance with Election Code 9287 may file a rebuttal argument. *(EC 9285)*

Arguments/rebuttals must be typed or printed. If prepared on computer, please submit your argument/rebuttal electronically in addition to the required hard copy.

The attached certification of the author(s) must be submitted at the time the argument or rebuttal argument is filed.

Please do not hesitate to contact the City Clerk if you have any questions regarding this process.

Attachments:
(1) Signature Form for Proponents Filing Arguments/Rebuttal Statements
(2) Consent Form for Use of Name or Organization Name in Ballot Argument/Rebuttal
(3) Selection Procedure - Multiple Argument Filed
(4) Word Count Standards

SIGNATURE FORM FOR PROPONENTS
FILING ARGUMENT/REBUTTAL STATEMENTS

EC 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 ballot argument __ in favor of or __against ballot measure _____
<div align="center">(subject of measure)</div>

at the General Municipal Election for the City of Albany to be held on November 8,

2016, hereby states that such argument is true and correct to the best of his/her/their

knowledge and belief:

Signed:_____ Date: _____

Printed Name: _____

Title: _____
___My title is being used for identification purposes only
___My title is being used on behalf of an organization *(consent form required)*

Address: _____
Phone Number: _____

(If title or organizational name is included for purposes other than identification, a consent form must be submitted from a principal officer of the organization)

CONSENT FORM FOR USE OF ORGANIZATION NAME
FOR BALLOT ARGUMENT/REBUTTAL STATEMENTS

I hereby consent that:

(check all that apply)
1. **___ my title is being used as an individual and on behalf of an organization**
2. **___ my organization's name may be referred to as an endorser either within the text of the argument/rebuttal or as a signatory**

_____
(subject or measure number)

at the City of Albany General Municipal Election to be held on November 8, 2016.

To be completed by Signatory:

_____
Signature

_____
Printed Name

To be completed by Principal:

_____
Signature of Principal

_____
Title

_____
Organization Name

_____
Date

Selection Procedure
Multiple Ballot Measure Arguments

Elections Code Section 9287 establishes a hierarchy for the submission of arguments to determine whose argument has priority.

9287. 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:
(a) The legislative body, 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.

The Elections Code does not define "bona fide association of citizens" nor does it state who may be a member, or if any, or all of the members must live in the jurisdiction that is voting on the measure. Similarly, the code does not require that the signors of the argument, when filed by a bona fide association of citizens, must reside or be registered to vote in the jurisdiction that is voting on the measure.

If the argument is being filed by a bona fide association, Election Code Section 9283 requires that "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" must accompany the argument.

In order to be considered a "bona fide association" for filing an argument for a city measure, the organization or association must submit one of the following: articles of incorporation, letterhead with the name of the organization and its principal officers, or some other written document indicating the same.

The code does not contain any provision for selecting an argument based on which argument was filed first, or earliest in relation to any arguments filed later, but before the deadline. All arguments filed before the deadline are considered equal in priority.

The code clearly states that only one argument for and one argument against may be printed **(EC Sec. 9287).** If two or more parties filing an argument for or against a measure fall under the same classification, then the Elections Official shall select one

argument to print. The Elections Official will determine the most appropriate procedure to select the argument to be printed.

The Albany Municipal Code and the City Charter do not stipulate a method for selecting arguments if multiple arguments of equal standing are filed. Therefore, state law is followed to make the determination.

The procedure to determine the winning candidate in the case of a tie vote is by drawing of lots **(EC Sec. 15651)**. The Elections Official may determine that the drawing of lots, as outlined below, is the most appropriate means to select the argument to be printed.

Procedure for Drawing of Lots

The names of the authors of the arguments shall be written on pieces of paper, folded, and placed in a container. The container will be agitated to mix the papers, and then one paper shall be drawn at-a-time. As each piece of paper is removed, it will be opened and the name recorded in the order it was removed.

The order in which the names are removed from the container shall be the order of priority for printing the argument, i.e., the first name chosen shall be the author whose argument shall be printed.

Arguments for a measure and arguments against a measure will each have their own drawing process.

The results will then be posted in the City Clerk Department.

WORD COUNT STANDARDS
November 8, 2016 General Election

Each word shall be counted as one word except as specified in this section.

1. Punctuation is not counted.

2. All geographical names shall be considered as one word; for example, "City and County of San Francisco" and "Los Angeles" shall be counted as one word.

3. Each abbreviation for a word, phrase or expression shall be counted as one word; for example, "ACLU" or "UCLA" shall be counted as one word.

4. 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.

5. Dates consisting of 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.

6. Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word, where "one hundred" shall be counted as two words. The following combinations are counted as one word: 1994, 25%, #5.

7. Telephone numbers shall be counted as one word.

8. Internet web site addresses shall be counted as one word.

9. Monetary amounts will be counted as one word; for example, "$1,000,000" shall be counted as one word.

Check-Off for Accepting Ballot Measure Arguments

Staff Initials _____ Date_____

DO NOT FILE STAMP THE ARGUMENT UNTIL ALL ITEMS BELOW ARE CHECKED OFF!!!

❑ **Is Title of Argument correct?** "Argument In Favor of Measure ___" ; "Argument Against Measure ___" ;
"Rebuttal to Argument in Favor of Measure ___" ; "Rebuttal to Argument Against Measure ___"

❑ **Word Count within limit?** Primary Arguments = 300 (EC §9282); Rebuttals = 250 (EC §9285)
Remember, the title of the argument and required language from EC §9600 are not counted towards word count limit.

❑ **Signature Forms for each Signor? REQUIRED** (EC §9600)

❑ **Consent Forms for Signors for use of Organization Name? REQUIRED**

❑ **Consent Forms for Supporters/Organizations named in the text of the argument? REQUIRED**

❑ **Only five (5) signors permitted.** (EC §9283)

❑ **Author Designated – Must have name and signature of the Author.** The Clerk will send copies of the pro and con arguments to the **AUTHORS** so they may prepare a rebuttal argument. For Rebuttal Arguments, **REMEMBER** to check the primary argument and verify that the author is the same or has authorized someone else in writing to prepare/submit/sign rebuttal argument.

❑ **Who is this argument being filed by?** (circle one category - EC §9282, 9287)
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 association of citizens, or combination of voters and associations **who are the bona fide sponsors or proponents of the measure.**
c.) *Bona fide association of citizens.
d.) Individual voters who are eligible to vote on the measure.

❑ *If the argument is being submitted on behalf of an organization (or bona fide association), you must have
the **name of the organization and the printed name and signature of at least one of its principle officers**. (EC §9283)

❑ **If filed by individual voters, check each signature against the voter registration database**
If there is a proponent who is not registered in the City of Albany they cannot have their signature appear unless they are a "bona fide association" or organization.

❑ **When all of the above items are checked**, it is now ok to file stamp the argument as received for filing.
Return to the proponent and make sure you obtain a phone number and e-mail address so you can send
them the appropriate argument for preparing their rebuttal.

❑ **Remind proponent of due date for Rebuttal arguments and that the name and signature of the author of the primary argument also appear on their rebuttal argument.**

❑ *ASK FOR AN ELECTRONIC FILE*

AUTHOR INFORMATION:

Name _____

Phone _____ *E-mail* _____