

GUIDE TO WRITING ARGUMENTS, REBUTTALS AND ANALYSES FOR LOCAL MEASURES



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This guide was developed in an effort to provide answers to questions frequently asked to the Placer County Elections Office concerning ballot arguments and analyses for local measures. 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. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties.

The California Elections Code governs the preparation and submittal of ballot arguments and rebuttal arguments in favor of or against ballot measures. The Placer County Elections Office has prepared this guide to help answer questions regarding the ballot argument preparation and submittal process. If you have questions not answered by the information below, please contact the Placer County Elections Office.

Any references to Elec. Code § refer to the California Elections Code.

Arguments For and Against

How do I know a measure will appear on the ballot?

Once the governing board such as the Board of Supervisors, school board or special district board pass a resolution calling for an election, the county elections official will prepare and publish a legal notice indicating the specifics of the measure, including deadlines to file arguments for or against the measure. The county elections official will also do a news release announcing the measures on the ballot and deadlines for filing arguments. Contact city/towns directly for details regarding their measures.

Who can File Arguments?

- The governing board: Board of Supervisors, school board or special district board. An argument may also be filed by a member of the governing body. The member(s) do(es) NOT have to be authorized by the governing body; or
- 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; or
- A bona fide association of citizens; or
- Any individual voter who is eligible to vote on the measure (*Elec. Code §§ 9162, 9282, 9501*).
 - If more than one argument for or against any county, district or school measure is submitted, the county elections official shall select one for printing in the Voter Information Guide pursuant to the order listed above (*Elec. Code §§ 9166, 9503*).

Exceptions for district or city measures put on the ballot by initiative

- The persons filing a district initiative petition may file an argument in favor of the proposed ordinance. The district board may submit an argument against the ordinance (*Elec. Code § 9315*).
- The persons filing a city initiative petition may file an argument in favor of the proposed ordinance and the city council may submit an argument against the ordinance (*Elec. Code § 9282(a)*).

Format for Arguments

- Arguments must not exceed 300 words. Reference guide for counting words on Page 6.
- Arguments shall use one of the following headings:
"Argument in Favor of Measure____" -or-
"Argument Against Measure____"
- Arguments cannot contain more than 5 signatures.
- The heading and the signatures are not included in the word count.
(Elec. Code §§ 9162, 9282, 9315, 9501, 9283, 1964, 9501.5)

Signature Statement

- Each argument and rebuttal must be accompanied by the Argument and Rebuttal Form included in this guide (Elec. Code § 9600).
- There is a distinction between a "filer" and a "signer or author." The filer of the 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 any organization accompanied by a signature of a principal officer. Filers do not have to be signers (Elec. Code § 9600).

Rebuttals

Who can file rebuttals to arguments?

- When both an argument in favor and an argument against a measure has been filed and selected for printing in the Voter Information Guide, the county elections official will send copies of the arguments to the filers and advise them of the deadline for filing the rebuttal (*Elec. Code § 9167*).

Format for Rebuttals

- Rebuttals must not exceed 250 words (*Elec. Code §§ 9167, 9285, 9317, 9504*). Reference guide for counting words can be found on Page 6.
- Rebuttals shall use one of the following headings (*Elec. Code §§ 9167, 9317, 9504*):
 “Rebuttal to Argument in Favor of Measure_____” -or-
 “Rebuttal to Argument Against Measure_____”
- Rebuttal arguments may be signed by the same people who signed the argument, or the filer can authorize up to 5 new people to sign using the Authorization Form on Page 10.
- Rebuttals can be signed by 5 or fewer people.
- The heading and the signatures are not included in the word count (*Elec. Code § 9162*).

Analyses

Impartial Analysis

- County counsel is required to prepare an impartial analysis of a county or school measure (*Elec. Code §§ 9160, 9500*). County counsel for each individual county will prepare the analysis for any measure proposed by a jurisdiction that crosses county lines.
- The city attorney shall prepare an impartial analysis of a city measure (*Elec. Code § 9280*).
- For special district measures, the county counsel or district attorney of the county with the largest number of registered voters shall prepare an impartial analysis (*Elec. Code § 9313*).
- The impartial analysis must not exceed 500 words (*Elec. Code §§ 9160, 9280 9313, 9314, 9500*).
- If the district is a water district, the counsel for the water district, or if there is no counsel for the water district, the county counsel of the county with the largest number of registered voters shall prepare an impartial analysis. If there is a legal counsel for the water district, the analysis shall be subject to review and revision by the county counsel (*Elec. Code § 9314*).

Fiscal Impact Statement

- The County Auditor-Controller may be requested by the Board of Supervisors no later than 88 days prior to an election to prepare a fiscal analysis of a county measure (*Elec. Code § 9160*).
- The fiscal impact statement shall not exceed 500 words (*Elec. Code § 9160*).

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 of which constitutes a lien on the property within the jurisdiction, shall mail a tax rate statement with the county Voter Information Guide (*Elec. Code §§ 9400, 9401*). The statement shall be filed with the elections official not later than the 88th day prior to the election. The law does not specify a word limit for such statements.

Order and Lettering

Order of appearance in Voter Information Guide:

Arguments, rebuttals and analyses are printed in the Voter Information Guide and made available to all registered voters in the jurisdiction eligible to vote for the particular measure. The arguments will appear in the following order:

1. Text of Measure
2. Impartial Analysis
3. Fiscal Impact Statement and/or Tax Rate Statement (when necessary)
4. Argument in Favor
5. Rebuttal to Argument in Favor
6. Argument Against
7. Rebuttal to Argument Against
8. Resolution

Lettering of Measures

- Letters designating measures will be assigned by the elections official pursuant to Elections Code §13116. Letters will be assigned after the close of consolidations, which occurs 88 days before the election. Measures will be assigned in alphabetical order on an annual basis, starting with A and continuing through Z, or as close to the end of the alphabet as possible to accommodate all measures filed for the current election.
- For districts that overlap into other counties, the lead county will assign a letter that will not conflict or confuse the voter. The letter assigned to these measures may not be in alphabetical order.
- Measures will appear on the ballot in the following order pursuant to Elections Code § 13109: County Board of Education, College, Unified Schools, High Schools, Elementary Schools, County, Cities, Districts. To allow for the most efficient use of space, the county elections official may vary the order of the measures.

Word Count Guidelines

Pursuant to Elections Code § Section 9

Each word is counted as one word except:

Punctuation: Punctuation is not counted.

Proper Nouns & Geographical names: All proper nouns, including geographical names, shall be counted as one word. For example, "City and County of San Francisco" shall be counted as one word.

Abbreviations: Each abbreviation for a word, phrase, or expression shall be counted as one word.

Hyphenations: 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, including a generally available standard reference dictionary published online, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

Dates: Dates shall be counted as one word.

Numbers: Any number consisting of a digit or digits shall be considered as one word. Any number that is spelled, shall be considered as a separate word. "100" shall be counted as one word, whereas "one hundred" shall be counted as two words.

Phone & Internet: Web site addresses and telephone numbers shall be counted as one word.

Deadlines

Contact the Placer County Elections Office at 530-886-5650 or visit our website at www.placercountyelections.gov for filing deadlines for a particular measure. For a cross-county measure contact each county as filing deadlines sometimes vary.

Analysis: County Counsel prepares an impartial analysis of each measure, which is due 88 days prior to the election. If requested by the Board of Supervisors, the County Auditor-Controller may also submit a fiscal impact statement. Analyses are public after the 5 p.m. deadline.

Tax Rate Statement: Tax Rate Statements must be supplied for each bond issue proposed by a county, city, district or other political subdivision. The statement shall be filed with the elections official no later than the 88th day prior to the election. Statements are available to the public after the 5 p.m. deadline

Arguments: Arguments are due by 5 p.m. on the deadline date chosen by the Placer County Elections Office. Once an argument for and against a measure is chosen, a copy will be provided to the opposing authors for writing a rebuttal. Arguments are available to the public after the 5 p.m. deadline.

Rebuttals: Ten days after the argument is due, rebuttals are due by 5 p.m. Rebuttals are available to the public after the 5 p.m. deadline.

Place to File: For all measures except city measures and state propositions, submit to Placer County Elections Office, 3715 Atherton Road, Rocklin, CA 95765. Phone: 530-886-5650 or 1-800-824-8683. For city measures, contact the applicable city clerk. For state propositions, contact the Secretary of State.

Filing by Email: To help us cut costs and to ensure arguments are printed exactly as filed, we encourage you to submit an electronic copy of the arguments/analyses by e-mail to candidates@placer.ca.gov (the original with wet signatures should still be submitted by the deadline). Word format is preferred. Provide a hard copy of the text with original signatures. The hard copy is the official copy. If there are discrepancies between the electronic copy and the hard copy, the elections office will use the hard copy as the official document. The elections office reserves the right to reformat for printing in the Voter Information Guide.

Withdrawal/Changes: Arguments, rebuttals and analyses may be changed or withdrawn until and including the date fixed for final submission to the elections official (*Elec. Code §§ 9163, 9316, 9601*).

Confidentiality: Arguments, rebuttals and analyses shall remain confidential until 5

p.m. on the date they are due.

Public Inspection: The county elections office shall make copies of the analyses, arguments and rebuttals available for public inspection for 10 calendar days immediately following the filing deadline. A writ of mandate or injunction may be sought to require amendments or deletions to any or all the materials (*Elec. Code §§ 9190, 9295, 9380, 9509*).

PLACER COUNTY ELECTIONS

ARGUMENT AND REBUTTAL FORM

The undersigned proponent(s) or author(s) of the (select one of the following)

☐ **ARGUMENT IN FAVOR (300 words)**
☐ **ARGUMENT AGAINST (300 words)**

☐ **REBUTTAL TO ARGUMENT IN FAVOR (250 words)**
☐ **REBUTTAL TO ARGUMENT AGAINST (250 words)**

of ballot measure (letter) _____

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 their knowledge and belief.

1. _____
Signature & Date (Principal officer signing on behalf of Org? Yes/No)

Print your name, and (if applicable) organization name

Title to appear below name on argument (optional, up to 4 words)

2. _____
Signature & Date (Principal officer signing on behalf of Org? Yes/No)

Print your name, and (if applicable) organization name

Title to appear below name on argument (optional, up to 4 words)

3. _____
Signature & Date (Principal officer signing on behalf of Org? Yes/No)

Print your name, and (if applicable) organization name

Title to appear below name on argument (optional, up to 4 words)

4. _____
Signature & Date (Principal officer signing on behalf of Org? Yes/No)

Print your name, and (if applicable) organization name

Title to appear below name on argument (optional, up to 4 words)

5. _____
Signature & Date (Principal officer signing on behalf of Org? Yes/No)

Print your name, and (if applicable) organization name

Title to appear below name on argument (optional, up to 4 words)

AUTHOR INFORMATION:

Signature and Printed Name

Address and Phone Number

A ballot argument or rebuttal shall not be accepted unless accompanied by the name(s) of the person(s) submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the election official for filing. There is a 10-calendar day review period prior to submitting arguments for printing. (Elec. Code §§ 9164, 9190, 9380, 9501, 9600)

Text of arguments/rebuttal arguments should either be typewritten on the reverse side of this form or a typewritten or computer generated statement may be attached to this form. Statements are electronically scanned for typesetting, therefore handwritten arguments will not be accepted for filing.

ALL ARGUMENTS/REBUTTAL ARGUMENTS SHALL BE ACCOMPANIED BY THIS FORM SIGNED BY THE AUTHOR(S).

Multiple single line paragraphs that do not fit in the space allotted will be wrapped. All arguments/rebuttals should be checked by the author for spelling and punctuation, as the department will not correct any material contained therein.

ALL AUTHORS MUST SIGN ON THE REVERSE SIDE OF THIS FORM

Type Argument or Rebuttal below

AUTHORIZATION FORM (for rebuttal arguments only)

I, _____, as the author on the primary argument in favor of _____ or argument against _____ do hereby authorize the following person to sign in my place on the rebuttal to the argument in favor of _____ or rebuttal to the argument against _____.

The following must be completed with the information on the original author and new author:

Original Author:

Signature and Printed Name

Residence Address

Mailing Address

New Author:

Print Name

Residence Address

Mailing Address