# City Clerk Department

2180 Milvia Street, Berkeley, CA 94704
Tel: (510) 981-6908 ● TDD: (510) 981-6903 ● Fax: (510) 981-6901
E-mail: elections@berkeleyca.gov ● Website: https://berkeleyca.gov/

## FORMS AND INSTRUCTIONS FOR
## PERSONS SUBMITTING PRIMARY ARGUMENTS
## AND REBUTTAL ARGUMENTS FOR BALLOT MEASURES
## ON THE NOVEMBER 5, 2024 GENERAL MUNICIPAL BALLOT

**PRIMARY ARGUMENT PERIOD OPENS:**       **8:30 a.m., Monday, August 12, 2024**
**DEADLINE FOR FILING ARGUMENTS:**     **12:00 p.m., Friday, August 16, 2024**

**REBUTTAL ARGUMENT PERIOD OPENS:**    **4:00 p.m., Friday, August 16, 2024**
**DEADLINE FOR FILING REBUTTALS:**       **12:00 p.m., Friday, August 23, 2024**

### ***IMPORTANT REGULATIONS***

*If the argument is filed by, 1) the legislative body or authorized members of the legislative body; or 2) individual voters eligible to vote on the measure, then, pursuant to Elections Code Sections 9282 and 9283, <u>all signors to the argument must be eligible to vote on the measure</u> (i.e. Berkeley residents, 18 years old on Election Day, U.S. Citizens, and not incarcerated in a state or federal prison or on parole for the conviction of a felony, and not currently found mentally incompetent to vote by a court).*

*Each required form must be fully completed and executed. Hard copies must be submitted with the ballot measure argument (the City Clerk will not accept e-mailed or faxed consent forms). Handwritten signatures are required, but original wet signatures are not required. A reproduction of an original handwritten signature is acceptable.*

Elections Code Section 9287(b) states that "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."

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).* Word count will be determined using the standards set forth in Elections Code Section 9.

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.

If more than one argument from the same level of standing is submitted, the argument to be printed will be determined by the procedure in Attachment 5.

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 association, **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** *(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).* Authors must list the signors' names and titles on the argument in the order they are to be printed.

For any signor on a city ballot measure, a consent form is required for the use of any organization name in the signor's title(s). The organization must consent to the use of its name for all signors. Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction. Titles for signors to ballot arguments are limited to 20 words.

A consent form is also required if an author lists a person or organization as a supporter or endorser in the text of the argument.

Each signor must complete the required signature form. All signors for primary arguments and rebuttal arguments must complete a signature form. All forms must be submitted at the time the respective primary argument or rebuttal argument is filed. A separate signature form is required for the rebuttal argument even if the same signor completed a form for the primary argument. *(EC 9600)*

The names and titles of proponents will be printed exactly as they appear on the "Printed Name" line and the "Title" line on the signature form.

If the argument is filed by, 1) the legislative body or authorized members of the legislative body; or 2) individual voters eligible to vote on the measure, then, pursuant to Elections Code Sections 9282 and 9283, all signors to the argument must be eligible to vote on the measure. If the argument is filed by a bona fide association of citizens, or the proponent of an initiative or referendum, the signors do not need to be eligible to vote on the measure.

The City Clerk, upon receipt of primary 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. *(EC 9285)*

Primary arguments may be changed or withdrawn up to 12:00 p.m., August 16, 2024. Rebuttal arguments may be changed or withdrawn up to 12:00 p.m., August 23, 2024. **Proponents are urged to submit their arguments before the final day to ensure that authors have an opportunity to make any necessary changes.** Arguments received prior to the deadline are **confidential** until the deadline. *(EC 9286)*

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

Primary arguments and rebuttal arguments must be typed or printed from a computer. Hand written arguments will not be accepted. If prepared on a computer, please submit the primary/rebuttal argument in electronic format in addition to the required hard copy.
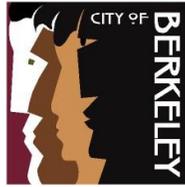
**The Signature Form must be submitted at the same time corresponding the primary argument or rebuttal argument is filed.**

There is a 10-day public review period for all ballot materials which starts the day after the due date for the materials.

Please do not hesitate to contact the City Clerk at (510) 981-6908 if you have any questions regarding this process.

Attachments:
(1) Signature Form for Proponents Filing Primary Arguments
(2) Consent for Use of Primary Arguments Organization/Endorser Name
(3) Signature Form for Proponents Filing Rebuttal Arguments
(4) Consent for Use of Rebuttal Arguments Organization/Endorser Name
(5) Selection Procedure – Multiple Arguments Files
(6) Word Count Standards

# CITY OF BERKELEY
# CITY CLERK DEPARTMENT

## Selection Procedure for Multiple Ballot Measure Arguments

When multiple ballot measure arguments are submitted for or against a measure, Elections Code Section 9287 provides guidelines for determining which argument will be published in the Voter Information Guide.

**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.

The Elections 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, Elections 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.

The Elections 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 Elections 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 Berkeley 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 each argument shall be written on a piece of paper, folded, and placed in a container so that each argument is represented by one paper. 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 names recorded in the order 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 of the drawing will then be posted in the City Clerk Department.

# BALLOT MEASURE ARGUMENT CONSENT FORM
## ► PRIMARY ARGUMENT ◄

### CONSENT FOR USE OF ORGANIZATION NAME

I hereby consent that my organization's name may be referred to as an endorser either

within the text of the primary argument or in the title of the signatory listed below for city

ballot measure _____ at the City of Berkeley
(subject or measure letter)

General Municipal Election to be held on November 5, 2024.

**To be completed by Organization Principal:**

_____
Printed Name of Principal

_____
Signature of Principal

_____
Title

_____
Organization Name

_____
Date

_____
Printed Name of Signatory

-------------------------------------------------------------------------------------------------------------------

### CONSENT FOR USE OF ENDORSER NAME

I hereby consent that my name may be referred to as an endorser within the text of the

primary argument for City Ballot Measure _____
(subject or measure letter)
at the City of Berkeley General Municipal Election to be held on November 5, 2024.

**To be completed by Endorser:**

_____
Printed Name of Endorser

_____
Signature of Endorser

_____
Title

# BALLOT MEASURE ARGUMENT CONSENT FORM
## ► REBUTTAL ARGUMENT ◄

### CONSENT FOR USE OF ORGANIZATION NAME

I hereby consent that my organization's name may be referred to as an endorser either

within the text of the rebuttal argument or in the title of the signatory listed below for city

ballot measure _____ at the City of Berkeley
<div style="text-align:center">(subject or measure letter)</div>

General Municipal Election to be held on November 5, 2024.

**To be completed by
Organization Principal:**

_____
Printed Name of Principal

_____
Signature of Principal

_____
Title

_____
Organization Name

_____
Date

_____
Printed Name of Signatory

### CONSENT FOR USE OF ENDORSER NAME

I hereby consent that my name may be referred to as an endorser within the text of the

rebuttal argument for City Ballot Measure _____
<div style="text-align:center">(subject or measure letter)</div>
at the City of Berkeley General Municipal Election to be held on November 5, 2024.

**To be completed by
Endorser:**

_____
Printed Name of Endorser

_____
Signature of Endorser

_____
Title

# SIGNATURE FORM FOR PROPONENTS
## ► PRIMARY ARGUMENT ◄

**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 or author of the ballot argument ☐ in favor of or*

*☐ against ballot measure _____ at the*
<div align="center">(subject or measure letter)</div>

*General Municipal Election for the City of Berkeley to be held on November 5, 2024,*

*hereby states that this argument is true and correct to the best of his/her/their*

*knowledge and belief:*

Signed:_____ Date: _____

Printed Name: _____
<div align="center">**(Name will be printed exactly as written on this line)**</div>

Full Title: _____
<div align="center">**(Title will be printed exactly as written on this line – limit 20 words)**</div>

Residence Address: _____

Phone Number: _____

---

☐ For the City of Berkeley General Municipal Election to be held on November 5, 2024, I hereby consent that my name may be referred to as an endorser within the text of the primary argument for City Ballot Measure _____.
<div align="right">(subject or measure letter)</div>

---

➢ *For any argument filed by the City Council or an individual voter, all signors must be eligible to vote on the measure (i.e. Berkeley resident, at least 18 years old on Election Day, U.S. citizen, not incarcerated in a state or federal prison or on parole for the conviction of a felony, and not currently found mentally incompetent to vote by a court).*
➢ *For any signor on a city ballot measure, a consent form is required for the use of any organization name in the signor's title(s). The organization must consent to the use of its name for all signors.*
➢ *Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction.*
➢ *If using more than one organization name in the full title(s), a separate consent form is required for each organization.*

# SIGNATURE FORM FOR PROPONENTS
## ► REBUTTAL ARGUMENT ◄

**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 or author of the ballot argument* ☐ *in favor of or*

☐ *against ballot measure* _____ *at the*
(subject or measure letter)

*General Municipal Election for the City of Berkeley to be held on November 5, 2024,*

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

*knowledge and belief:*

Signed:_____ Date: _____

Printed Name: _____
**(Name will be printed exactly as written on this line)**

Full Title: _____
**(Title will be printed exactly as written on this line – limit 20 words)**

Residence Address: _____

Phone Number: _____

---

☐ For the City of Berkeley General Municipal Election to be held on November 5, 2024, I hereby consent that my name may be referred to as an endorser within the text of the rebuttal argument for City Ballot Measure _____.
(subject or measure letter)

---

➢ *For any argument filed by the City Council or an individual voter, all signors must be eligible to vote on the measure (i.e. Berkeley resident, at least 18 years old on Election Day, U.S. citizen, not incarcerated in a state or federal prison or on parole for the conviction of a felony, and not currently found mentally incompetent to vote by a court).*
➢ *For any signor on a city ballot measure, a consent form is required for the use of any organization name in the signor's title(s). The organization must consent to the use of its name for all signors.*
➢ *Offices held with public agencies (including city boards and commissions) do not require a consent form from the jurisdiction.*
➢ *If using more than one organization name in the full title(s), a separate consent form is required for each organization*

**ELECTIONS CODE SECTION 9**

(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, 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.

   (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 website addresses shall be counted as one word.

(b) This section does not apply to counting words for ballot designations under Section 13107.