



City Clerk Department

2180 Milvia Street, Berkeley, CA 94704

Tel: (510) 981-6908 • TDD: (510) 981-6903 • Fax: (510) 981-6901

E-mail: clerk@cityofberkeley.info • Website: <http://www.cityofberkeley.info/clerk>

FORMS AND INSTRUCTIONS FOR PERSONS WISHING TO SUBMIT PRIMARY ARGUMENTS AND REBUTTAL ARGUMENTS FOR MEASURES ON THE NOVEMBER 2, 2010 GENERAL MUNICIPAL BALLOT

PRIMARY ARGUMENT PERIOD OPENS: 8:00 A.M., Friday, August 6, 2010
DEADLINE FOR FILING ARGUMENTS: 12:00 P.M., Friday, August 13, 2010

REBUTTAL ARGUMENT PERIOD OPENS: 4:00 P.M., Friday, August 13, 2010
DEADLINE FOR FILING REBUTTALS: 12:00 P.M., Friday, August 20, 2010

*****IMPORTANT NEW REGULATIONS FOR NOVEMBER 2010*****

NEW!!! - 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. 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.

NEW!!! – Titles for signors to ballot arguments are limited to 25 words. Words will be counted in accordance with Elections Code Section 9.

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)

Each signor must complete the required signature form. All signors for primary arguments and rebuttal arguments must complete a signature form. 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 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. (EC 9285)

Arguments may be changed or withdrawn up to 12:00 p.m., August 13, 2010. Rebuttal arguments may be changed or withdrawn up to 12:00 p.m., August 20, 2010. **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, only 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. Hand written arguments will not be accepted. If prepared on a 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 primary argument or rebuttal argument is filed.

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

Attachments:

- (1) Signature Form for Proponents Filing Primary Arguments
- (2) Signature Form for Proponents Filing Rebuttal Arguments
- (3) Consent Form for Use of Name or Organization Name in Primary Argument
- (4) Consent Form for Use of Name or Organization Name in Rebuttal Argument
- (5) Selection Procedure - Multiple Arguments Filed
- (6) Word Count Standards

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(s) or author(s) of the ballot argument in favor of or

against ballot measure _____
(subject of measure)

at the General Municipal Election for the City of Berkeley to be held on November 2, 2010,
hereby states that such argument is true and correct to the best of his/her/their knowledge
and belief:

Signed: _____ Date: _____

Printed Name: _____

Full Title: _____
(Title will be printed exactly as written on this line – limit 25 words)

Address: _____

Phone Number: _____

- 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.
- The name of the signor will be printed exactly as it appears in the “Printed Name” line.
- 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(s) or author(s) of the ballot argument in favor of or

against ballot measure _____
(subject of measure)

at the General Municipal Election for the City of Berkeley to be held on November 2, 2010,
 hereby states that such argument is true and correct to the best of his/her/their knowledge
 and belief:

Signed: _____ Date: _____

Printed Name: _____

Full Title: _____
 (Title will be printed exactly as written on this line – limit 25 words)

Address: _____

Phone Number: _____

- *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.*
- *The name of the signor will be printed exactly as it appears in the "Printed Name" line.*
- *If using more than one organization name in the full title(s), a separate consent form is required for each organization.*

**CONSENT FORM FOR USE OF ORGANIZATION NAME
▶ PRIMARY ARGUMENT ◀**

I hereby consent that my organization's name may be used (check all that apply):

- in the title of the below named signatory
- as an endorser within the text of the primary argument

for ballot measure _____ at the
(subject or measure letter)

City of Berkeley General Municipal Election to be held on November 2, 2010.

To be completed by _____
Organization Principal: Signature of Principal

Title

Organization Name

Date

To be completed by _____
Signatory: Signature

Printed Name

**CONSENT FORM FOR USE OF ORGANIZATION NAME
▶ REBUTTAL ARGUMENT ◀**

I hereby consent that my organization's name may be used (check all that apply):

- in the title of the below named signatory
- as an endorser within the text of the primary argument

for ballot measure _____ at the
(subject or measure letter)

City of Berkeley General Municipal Election to be held on November 2, 2010.

To be completed by _____
Organization Principal: Signature of Principal

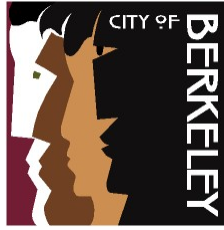
Title

Organization Name

Date

To be completed by _____
Signatory: Signature

Printed Name



**CITY OF BERKELEY
CITY CLERK DEPARTMENT**

**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 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 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.

Dated: 1/10/08

WORD COUNT STANDARDS

Berkeley Municipal Elections

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.

Elections Code §9