



## **CITY OF PALO ALTO MEASURES/ORDINANCES**

If a majority of the qualified voters voting on a proposed ordinance or measure vote in its favor, the ordinance or measure shall be a valid and binding ordinance of the city. The ordinance or measure shall be considered as adopted upon the date that the vote is declared by legislative body, and shall go into effect 10 days after that date.

City measure means any proposed city charter change, any proposition for the issuance of funding or refunding of bonds of the city, and other questions or propositions submitted to the electors of the city at any election held throughout the entire city .

The following are deadlines, established by the Office of the City Clerk, relating to any measure to appear on the City's 2009 Special Election.

### **Special Election, November 3, 2009**

<b><u>Last Day</u></b>	<b><u>Item</u></b>
August 3, 2009	Last regularly scheduled City Council Meeting at which a Special Election may be called to be consolidated with the General Municipal Election to be held on November 3, 2009
August 12, 2009	Last day to file written arguments for or against a measure not to exceed 300 words. Direct arguments may not be changed or withdrawn after this date.
August 19, 2009	Last day to file, change, or withdraw rebuttal arguments, not to exceed 250 words.
August 19, 2009	Last day for the City Attorney to file Impartial Analysis of measures.

Please Note: This information packet for measures has been prepared to assist the proponents and opponents of measures for the Special Election on November 3, 2009. No one should rely solely on this information but should seek legal counsel.

## SUBMISSION OF ARGUMENTS FOR OR AGAINST MEASURES

Arguments will be printed in the Voter Information Portion of the sample ballot.

### **9281. If not otherwise provided, voters may submit arguments.**

If no other method is provided by general law, or, in the case of a chartered city, by the charter or by city ordinance, arguments for and against any city measure may be submitted to the qualified voters of the city pursuant to this article. If a method is otherwise provided by general law, or, in the case of a chartered city, by charter or city ordinance, for submitting arguments as to a particular kind of city measure that method shall control.

(Added by Stats. 1994, c. 920, Sect. 2)

### **9282. Written arguments.**

- (a) For measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.
- (b) For measures placed on the ballot by the legislative body, the legislative body, or any member of members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associates, may file a written argument for or against any city measure.
- (c) **No argument shall exceed 300 words in length.**
- (d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments: "Arguments in support or opposition of the proposed laws are the opinions of the authors."
- (e) The city elections official shall enclose a printed copy of both arguments with each sample ballot provided that only those arguments filed pursuant to this section shall be printed and enclosed with the sample ballot. The printed arguments are "official matter" within the meaning of Section 13303.
- (f) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in these titles.

(Amended by Stats. 2006, c.508, Section 4)

Arguments are limited to 300 words. You may refer to the section in the enclosed "**Guidelines for Counting Words**" for assistance on counting words. Text is printed in the sample ballot pamphlet in single-spaced, full-justified, standard paragraph format. Only standard bullets will be printed and non-standard bullets will be changed to standard bullets. You may bold, italicize and underline text. After 5:30 p.m. on the argument filing deadline, arguments chosen will be faxed to opposing authors via the fax number listed under the contact information.

Arguments filed with the City Clerk are confidential until after the deadline for the filing of those arguments. The next business day after the deadline, arguments may be viewed by the public or photocopies purchased.

All signatures on arguments and any other related documents must be original signatures. Faxed or photocopies signatures will not be accepted.

### **9283. Argument not accepted without names.**

A ballot argument shall not be accepted under this article unless accompanied by the printed name and signature or printed names and signatures of the author or authors 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, who is the author of the argument.

**No more than five signatures shall appear with any argument submitted under this article. In case any argument is signed by more than five authors, the signatures of the first five shall be printed.**

(Amended by Stats. 2004, c. 785, Sect. 2)

An author's name will appear in the sample ballot pamphlet **exactly** as submitted on the signature line of the **Declaration by Author(s) for Arguments**. Therefore, the "Type Name as Signed" line must match the signature line. Only the author's name will be printed on the name line. Titles, such as, Mr., Mrs., Dr., M.B.A., etc. may be included on the title line. Author's names and titles must be TYPED on the forms.

#### **9285. Rebuttal arguments.**

(a) (1) When an elections official receives an argument relating to a city measure that will be printed in the ballot pamphlet, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

(2) The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

(3) **No rebuttal argument may exceed 250 words.**

(4) A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments.

(5) A rebuttal argument relating to a city measure may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument, which it seeks to rebut.

(b) Subdivision (a) applies only if, not later than the day on which the legislative body calls an election, the legislative body adopts its provisions by majority vote, in which case subdivision (a) applies at the next ensuing municipal election and at each municipal election thereafter, unless later repealed by the legislative body in accordance with the procedures of this subdivision.

(Added by Stats. 2006, c.508, Section 5)

Rebuttal arguments will be printed in the Voter Information Portion of the sample ballot.

In contrast to the arguments, those permitted to sign rebuttal arguments need **not** meet any criteria except that those who sign the rebuttal must either have signed the original argument or be authorized in writing from the authors of the argument to sign the rebuttal argument. The written authorization allowing a person to sign a rebuttal argument must be filed at the time of filing the rebuttal argument. Included in this pamphlet is a form titled "Rebuttal Signer Authorization" to authorize a different author to sign a rebuttal argument.

No more than five author signatures shall be accepted on a rebuttal argument. Authors can sign on separate pages of the **Rebuttal Argument Declaration by Author(s)**. If you have authors sign on separate pages, number the names in the order they are to appear.

An author's name will appear in the sample ballot pamphlet **exactly** as submitted on the signature line of the **Declaration by Author(s) for Arguments**. Therefore, the "Type Name as Signed" line must match the signature line. Only the author's name will be printed on the name line. Titles, such as, Mr., Mrs., Dr., M.B.A., etc. may be included on the title line. Author's names and titles must be typed on the forms.

All signatures on rebuttal arguments, authorizations or any other related documents must be original signatures. Faxed or photocopied signatures will not be accepted.

Rebuttal arguments are limited to 250 words. You may refer to the "Guidelines for Counting Words" for assistance on counting words. Text is printed in the sample ballot pamphlet in single-

spaced, full-justified, standard paragraph format. Only standard bullets will be printed and non-standard bullets will be changed to standard bullets. You may bold, italicize and underline text.

Rebuttal arguments filed with the City Clerk are confidential until after the deadline for the filing of those rebuttal documents. The next business day after the deadline, rebuttal arguments may be viewed by the public or photocopies purchased.

**9286. Final date for arguments.**

(a) Based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the 10-calendar-day public examination as provided in Article 6 (commencing with Section 9295) for the particular election, the city elections official shall fix a date 14 days from the calling of the election as a deadline, after which no arguments for or against any city measure may be submitted for printing and distribution to the voters, as provided in this article. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the city elections official during the normal business hours of the elections official's office, as posted.

(b) This section is not applicable when the election is consolidated with another election pursuant to Part 3 (commencing with Section 10400) of Division 10.

(Amended by Stats. 2002, c.371, Sect. 2)

**9287. Elections official to select if more than one argument.**

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.

(Added by Stats. 1994, c. 920, Sect. 2)

**Chapter 7. General Provisions**

**9601. Arguments may be withdrawn.**

Notwithstanding any other provisions of this code, whenever any ballot arguments for or against any measure submitted to the voters for approval are authorized, these arguments may be withdrawn by their proponents at any time prior to and including the final date fixed for filing arguments.

(Added by Stats. 1994, c. 920, Sect. 2)

**9602. Voter may withdraw signature from petition.**

Any voter who has signed any initiative or referendum petition, and who subsequently wishes his or her name withdrawn, may do so by filing a written request for the withdrawal with the appropriate elections official. This request shall be filed in the elections official's office prior to the date the petition is filed.

(Added by Stats. 1994, c. 920, Sect. 2)

## **NO USE OF BOARD OR COMMISSION TITLES IN BALLOT ARGUMENTS**

The **Palo Alto Municipal Code Section 2.40.080** states: "No city board or commission member may use his or her board or commission title when signing a ballot argument for or against an ordinance or measure. If an argument is submitted to the city clerk with such a title in the signature, the title shall be omitted from the ballot argument signature."

## **PUBLIC EXAMINATION OF ARGUMENTS AND IMPARTIAL ANALYSIS**

The public may examine the official election materials during the ten-day period to be determined by the date a certificate of sufficiency is issued for a measure. During this period, any member of the public may seek a Writ of Mandate to amend or delete the official election materials.

### **FPPC Financial Compliance and Forms**

There are various forms that are required to be filed in connection with a measure committee. You may obtain the necessary forms and manuals at the Fair Political Practices Commission (FPPC) website [www.fppc.ca.gov](http://www.fppc.ca.gov). The City Clerk is your local filing officer, but may not provide technical assistance you need. For technical assistance, please call FPPC at (866)ASK-FPPC.

## Guidelines for Counting Words

These guidelines are to aid you with computing the word count for arguments. The Registrar of Voters will make final determination. The author's titles and signatures are not counted in the word count, only the text. Punctuation does **not** count as a word.

<u>WORD(S)</u>	<u>COUNT</u>
Dictionary words <i>The words "I", "a", "the", "and", etc. are counted as individual words.</i>	One
Abbreviations/Acronyms <i>Examples: SJSU, PTA, U.S.M.C., S.J.P.D.</i>	One
Geographical names <i>Examples: City of San Jose County of Santa Clara San Jose Unified School District</i>	One
Numbers/Numerical Combinations: Digits (1, 10, or 100, etc.)	One
Spelled out (one, ten, or one hundred)	One
50%, ½, etc.	One
Numbers or letter used to identify a portion of text <i>Examples: (1) or (a)</i>	One
Dates: All digits (01/01/04)	One
Words and digits (January 1, 2004)	Two
Characters used in place of a word or number <i>Examples: &amp; or #</i>	One
Hyphenated words: <i>Hyphenated words that appear in any dictionary printed in the United States in the last 10 years shall be considered as one word. Each part of all other hyphenated words shall be counted as separate words.</i>	
Mother-in-law	One
one-half	Two

## **ARGUMENT FILER CHECKLIST**

**Have you completed or complied with the following?**

- Authors meet criteria to sign
- Author's title as signed meets criteria
- Check which criteria author is signing pursuant to
- Residential address completed if author meets eligible voter criteria to sign
- Required form statement signed by author
- One to five author signatures
- Author signatures numbered in order of appearance
- Only author's name on name line
- Only author's TYPED title on title line
- Author's TYPED name exactly matches signed name
- Author's gender circled
- All signatures are original signatures
- Contact information supplied
- Not more than 300 words
- File argument by deadline

## **REBUTTAL ARGUMENT FILER CHECKLIST**

**Have you completed or complied with the following?**

- If different authors, submit written authorization
- Required form statement signed by author
- One to five author signatures
- Author signatures numbered in order of appearance
- Only author's name on name line
- Only author's title TYPED on title line
- Author's TYPED name exactly matches signed name
- Author's gender circled
- All signatures are original signatures
- Not more than 250 words
- Contact information supplied
- File rebuttal argument by deadline



**SANTA CLARA COUNTY  
REGISTRAR OF VOTERS  
ARGUMENT**

**DECLARATION BY AUTHOR(S) OR PROPONENT(S)  
(Elections Code § 9161, 9164, 9501, 9501.5, 9600)**

The undersigned author(s) of the argument **in favor of/against** ballot measure \_\_\_\_\_ at the  
(circle one) (letter)

**SPECIAL CITY OF PALO ALTO**

\_\_\_\_\_ election for the \_\_\_\_\_  
(title of election) (name of jurisdiction)

November 3, 2009

to be held on \_\_\_\_\_ hereby state that such argument is true and correct to the best  
(date of election)

of \_\_\_\_\_ knowledge and belief.  
(his / her / their)

1. \_\_\_\_\_  
 Signature Date Residential Address  
 \_\_\_\_\_  
 Type Title to Appear on Argument Type Name as Signed Male/Female  
 Author meets criteria of: \_\_\_ Gov. Bd. Member \_\_\_ Principal Officer of Bona Fide Assoc. \_\_\_ Reg. Voter in Dist.

2. \_\_\_\_\_  
 Signature Date Residential Address  
 \_\_\_\_\_  
 Type Title to Appear on Argument Type Name as Signed Male/Female  
 Author meets criteria of: \_\_\_ Gov. Bd. Member \_\_\_ Principal Officer of Bona Fide Assoc. \_\_\_ Reg. Voter in Dist.

3. \_\_\_\_\_  
 Signature Date Residential Address  
 \_\_\_\_\_  
 Type Title to Appear on Argument Type Name as Signed Male/Female  
 Author meets criteria of: \_\_\_ Gov. Bd. Member \_\_\_ Principal Officer of Bona Fide Assoc. \_\_\_ Reg. Voter in Dist.

4. \_\_\_\_\_  
 Signature Date Residential Address  
 \_\_\_\_\_  
 Type Title to Appear on Argument Type Name as Signed Male/Female  
 Author meets criteria of: \_\_\_ Gov. Bd. Member \_\_\_ Principal Officer of Bona Fide Assoc. \_\_\_ Reg. Voter in Dist.

5. \_\_\_\_\_  
 Signature Date Residential Address  
 \_\_\_\_\_  
 Type Title to Appear on Argument Type Name as Signed Male/Female  
 Author meets criteria of: \_\_\_ Gov. Bd. Member \_\_\_ Principal Officer of Bona Fide Assoc. \_\_\_ Reg. Voter in Dist.

**Contact Person Telephone # Fax #**



SANTA CLARA COUNTY  
REGISTRAR OF VOTERS

**REBUTTAL ARGUMENT**  
**DECLARATION BY AUTHOR(S) OR OTHER PERSON(S) AUTHORIZED BY AUTHOR**  
(Elections Code § 9164, 9167, 9504, 9600)

The undersigned author(s) of the rebuttal to the argument **In favor of/against** ballot measure \_\_\_\_\_ at the \_\_\_\_\_  
(circle one) (letter)

Special

City of Palo Alto

\_\_\_\_\_ election for the \_\_\_\_\_

(title of election)

(name of jurisdiction)

to be held on November 3, 2009 \_\_\_\_\_ hereby state that such argument is true and correct to the best  
(date of election)

of \_\_\_\_\_ knowledge and belief.  
(his / her / their)

1. \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Type Title to Appear on Rebuttal

\_\_\_\_\_  
Type Name as Signed

\_\_\_\_\_  
Male/Female

2. \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Type Title to Appear on Rebuttal

\_\_\_\_\_  
Type Name as Signed

\_\_\_\_\_  
Male/Female

3. \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Type Title to Appear on Rebuttal

\_\_\_\_\_  
Type Name as Signed

\_\_\_\_\_  
Male/Female

4. \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Type Title to Appear on Rebuttal

\_\_\_\_\_  
Type Name as Signed

\_\_\_\_\_  
Male/Female

5. \_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Type Title to Appear on Rebuttal

\_\_\_\_\_  
Type Name as Signed

\_\_\_\_\_  
Male/Female

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Telephone #

\_\_\_\_\_  
Fax #



SANTA CLARA COUNTY  
REGISTRAR OF VOTERS

**REBUTTAL SIGNER AUTHORIZATION**

The author of an argument may sign the rebuttal argument or may authorize in writing any other person to author/sign the rebuttal argument. Below is a sample of written authorization that is required when the author of the argument does not sign the rebuttal argument but instead has another person sign in their place. All required signatures must be original signatures.

Date of Election \_\_\_\_\_

As a signer on the Argument *in favor of / against* Measure \_\_\_\_\_ in the  
(circle one)

\_\_\_\_\_, I authorize  
(Jurisdiction)

\_\_\_\_\_ to sign the rebuttal argument in my place.  
(new rebuttal signer)

\_\_\_\_\_  
Signature Printed Name

-----  
Date of Election \_\_\_\_\_

As a signer on the Argument *in favor of / against* Measure \_\_\_\_\_ in the  
(circle one)

\_\_\_\_\_, I authorize  
(Jurisdiction)

\_\_\_\_\_ to sign the rebuttal argument in my place.  
(new rebuttal signer)

\_\_\_\_\_  
Signature Printed Name